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THE CIVIL HISTORY OF THE KINGDOM OF NAPLES.

Francis Hargrave.

In Two VOLUMES.

VOL. I.

MVSEVM BRITANNICVM

Wherein is contain'd,

The Hiſtory of that Kingdom (*comprizing alſo the general Affairs of* Europe) under the *Romans*, *Goths*, *Greeks*, *Dongobards*, *Normans*, and the Princes of the Houſe of *Suevia*, 'till the Death of the Emperor *Frederick* II. in the Year 1250.

With the Hiſtory of the Civil, Canon, and Feodal Laws; the Eccleſiaſtical Polity; the Succeſſion of the Popes, and by what ſubtle Arts the *Pontificate* gain'd upon the *Regale*.

Where the Author clearly demonſtrates, That the Temporal Dominion and Power exercis'd by the Popes, has been altogether owing to the Ignorance, and Connivance of, or Conceſſions extorted from Secular Princes during the dark Ages, *&c.*

Written in *ITALIAN*,
By *PIETRO GIANNONE*, Civilian and Advocate in NAPLES; and publiſh'd *Anno* 1723.

Tranſlated into *ENGLISH*,
By Captain *JAMES OGILVIE*.

LONDON:

Printed for W. INNYS, in St. *Paul's Church-Yard*; G. STRAHAN, at the *Golden-Ball*, and R. WILLOCK, at Sir *Iſaac Newton's* Head, in *Cornhill*; A. MILLAR, at *Buchanan's* Head, in the *Strand*; T. GREEN, and J. POTE, near *Charing-Croſs*; J. PENN, in *Weſtminſter-Hall*; A. JOHNSTON, Engraver, in St. *Martin's-Lane*; and Sold by the Bookſellers of *London* and *Weſtminſter*: And at *Edinburgh*, by A. SYMMER, in the *Parliament-Cloſe*. M.DCC.XXIX.

MVSEVM
BRITANNICVM

TO THE

RIGHT HONOURABLE the

Earl of *GRANDISON.*

My LORD,

THE Hiſtory of *Naples*, which I now lay at Your Lordſhip's Feet, I may venture to ſay, is a valuable Piece, and worthy your Lordſhip's Protection, however it may have ſuffer'd in the Tranſlation.

THE Author dedicates it to a Great * Prince, and in Your Lordſhip I have found a Patron truly Great and Good. I ſpeak from Experience; for your Lordſhip was no ſooner appriſed of the Change of my Circumſtances, than I began to feel the happy Effects of your great Goodneſs. The fatal Year that involved ſo many in irretrievable Ruin, was the Date of my Misfortunes; and from that Time, to this Day, your Lordſhip, and your good Lady, have relieved me and my Family with a bountiful Hand; and, in a Manner ſo ingaging, as has left no Impreſſions upon me, but thoſe of a laſting Gratitude and Veneration. It is certainly one of the greateſt Afflictions of a depreſſed Condition, that it is commonly attended with Contempt and Scorn: But when your Lordſhip relieves, you conſult the Modeſty of the unfortunate Object, as well as the Diſtreſs. I ſhould never make an end of my Acknowledgments for all the Goodneſs with which your Lordſhip treats me, and with the Senſe of which my Heart is full charged; but as I know you love to do Good, rather than hear of it, I ſhall be grateful and ſilent. But I muſt give myſelf the Pleaſure of reflecting upon the happy Situation of your Lordſhip's Affairs, within whoſe Gates nothing is ſeen but Magnificence and Splendor, under the Rules of that exact OEconomy and Order, with which your Lordſhip, and your excellent Lady did ſo remarkably diſtinguiſh yourſelves before the Acceſſion of the ample Fortune of your Anceſtors: Such a Conduct, my Lord, is a great and rare Example of Wiſdom and Prudence; but the Virtues in which you both ſhine out, are the conjugal Harmony in which you live, mutually deſerv'd, and mutually expreſs'd. And next to that, the tender Affection to your Children, viſible in the Care of their Education, and of which you have the Comfort to behold the happy Effects in your accompliſh'd Daughters, adorned with that Modeſty, and thoſe Graces of their Sex, which, to indulgent Parents, muſt give the moſt exquiſite Pleaſure this World can afford. Theſe Felicities, my Lord, are the Fruits of Domeſtick Virtues, which, though they don't make ſuch Glare, as thoſe that are acted upon the Publick Stage, have ever been thought to ſet a great and wiſe Man in the trueſt Point of Light. And among the *Romans* *, one of the Greateſt and Beſt is celebrated, not more for his Victories and Triumphs, than for his Behaviour among his Children, even in their Nurſery, where ſome little Amuſements of his have been repreſented by all Hiſtorians, as the moſt convincing Proof of the greateſt good Nature and Humanity; which Qualities were always thought eſſential in the Compoſition of a Hero. But now I am talking of a great Man, it may be expected I ſhould ſay ſomething of the Nobility of your Lordſhip's and your Lady's Extraction: And I have at hand the noble Hiſtorian, who, in his Catalogue of Heroes (great as any *Greece* or *Rome* ever produc'd) has not two more beautiful Characters, than thoſe of *Falkland* and *Grandiſon*; but theſe Things, your Lordſhip does not call your own, any farther than as you think yourſelf oblig'd to imitate them; And may your Lordſhip's promiſing Sons, and their late Poſterity, form their Lives by the Examples of their Great Anceſtors; which is the hearty Prayer of,

---

* The Emperor.

My LORD,

Your Lordſhip's moſt oblig'd, moſt devoted,

and moſt faithful humble Servant,

JA. OGILVIE.

---

* Scipio Africanus.

THE

Tranſlator's PREFACE.

*THE Author's Introduction renders a Preface to this Work in a manner uſeleſs. He himſelf tells us, that his Stile is very plain and ſimple; that he had ſo great a Regard to Truth, in every Thing, as to make the Credibility of his Hiſtory depend more on the Connexion of Events, with their Cauſes, than on an elaborate Stile, and a nice Order of Words: That though he was not ignorant of the Laws of Hiſtory, yet he has ſometimes neglected the ſcrupulous Obſervation of them, by inſiſting too much on Matters, perhaps of ſmall Importance to a great many Readers particularly in the Hiſtory of the Laws; and that he did it for the Advantage of Profeſſors, and Gentlemen of the Long Robe. Notwithſtanding all this, the Reader will not think his Labour loſt, if he values Profit more than Pleaſure, tho' a due * Mixture of both were better. The Author, tho' in Communion with the Church of* Rome, *has not been afraid to tell a great many bold Truths, nowiſe conſiſtent with the Credit and Honour of that Court. To give one Inſtance among many; throughout the Courſe of the Hiſtory, he clearly ſhews us, how that Monſter of a Spiritual Monarchy, an* Imperium in Imperio, *was conceiv'd, brought forth, and nouriſh'd, till it came to full Maturity. The Reader will likewiſe ſee what Opinion he had of Relicks, Pilgrimages, Image-worſhip, the great Number of Holy-days, and other Practices introduc'd during the Ages of Ignorance and Darkneſs. For theſe and other Reaſons, the Work no ſooner appear'd in Publick,* A. D. 1723, *than the Court of* Rome *was*

---

* Omne tulit punctum, qui miſcuit utile dulci.

alarm'd: It was Cenſur'd, Condemn'd, and the Sale and Reading of it prohibited, under ſevere Penalties.

While the Country, which is now call'd the Kingdom of Naples, *was under the* Romans, *and before the* Italian *Language prevail'd univerſally over all* Italy, *I thought fit to render the Names of Provinces, Cities,* &c. *as they were denominated by the* Romans; *but after the* Italian *became the general Language of all* Italy, *I have given them the modern Names, ſuch as* Benevento *for* Beneventum; Reggio *for* Rhegium, &c.

The Second Volume of this Work, contains the Hiſtory of the Kingdom of Naples, *I may ſay of all* Italy, *and even of all* Europe, *ſo far as the Princes thereof found themſelves oblig'd to be concern'd in the many Wars aud Revolutions of that Kingdom, during the Reigns of the Houſes of* Anjou, Aragon *and* Auſtria, *down to the Year* 1723. *All I have to add, is, that if I had not undertaken the following Tranſlation (the Book, as I have ſaid, being ſuppreſs'd, and ſo few Copies got Abroad in the World) 'tis probable it never would have appear'd in* Engliſh; *therefore I hope the Reader will excuſe, and with the Pen correct the following* Errata.

ERRATA.

Page 6. l. 32, after *divided* r, *not*. p. 13. l. 50. for *continuing* r. *continued*. p. 20. l. penult. r. *one of whom gave Laws to the* Locrians, *and the other to the* Turians. p. 25. l. 3. r. *ſuch Conſtitution*. p. 30. l. 22. r. *antient Conſultation*. l. 23. r. *is to be*. p. 44, l. 15. r. *caus'd them*. p. 64. l. 3. r. *it inſerted*. p. 80. l. 18. inſtead of *for which Reaſon 'tis to be doubted* r. *have believed*. p. 87. l. 20. r. *rejected*. p, 90. l. 21. r. *Arimini*. p. 101. *l.* penult. r. *and believe*. p. 106. l. 33. for *that by* r. *of*. p. 109. l. 18. dele *which*. l. 19, dele *rais'd higher*; for *giving* r. *gave*. p. 124. for *Chap.* V. r. II. p. 133. l. 24. for *without any* r. *with ſome* p, 134. l. 35 & 36. r. *wherefore it was expedient to have recourſe*. p. 135. l. 40. r. *eruption*. p. 140. l. 2. for *Colonies condemn'd to the Plough* r. *Coloni addicti gleba*. p. 141. l. 13 & 14. dele *with their Blood*. p. 142. l. ante penult. for *Skirmiſhes* r. *miſeries*. p. 151. l. 24. for *foraſmuch as* r. *as much as*. p. 154. l. 10. dele *of them*. p. 173. l. 38. for *diſcharge* r. *forbad*. p. 174. l. 20. dele *Juſtinian*. ibid. r. *Sect.* IV. p. 187. l. 16 & 17. dele *in one Day*. ibid. r. *in Samnium*. p. 204. l. 45. for *being* r. *was*. p. 208. l. 34. r. *of the* Theodoſian *than of the* Juſtinian *Laws*. p. 232. l. 39 & 40. r. *with the* Greeks *was called* Cimeliarcha, *and with us*, Magnus, *&c.* p. 295. l. 27. r. *hoſpitium*. p. 352. l. 27. for *which he caus'd firſt to be printed*. r. *was firſt printed*. ibid. l. 50. dele *Greek*. p. 353, l. 15. for *rather* r. *ſooner*. p. 376. *l.* 19. for *that* r. *but*. p. 379. l. 23. for *being* r. *and*. ibid. l. 24. dele *John who*. after Opinion r. *and*. p. 396. l. 46. after *Venoſa* r. *and Potenza*. p. 422. l. 39. & 40. for *fellow Soldier* r. *Party in the War*. p. 437. l. 33. for *but* r. *thus*. for *greater* r. *great*. l. 34. dele *more*. p. 453. l. 53. for *Salerno* r. *Palermo*. p. 458. l. 28. for *their* r. *the*. p. 475. l. 8. for *give the Reader an Account* r. *refer the Reader to*. p. 532. l. 26. after *de* r. *in*. p. 576. l. 34. for *Leuder* r. *Leunden*. p. 664. l. 28. dele *would*. p. 680. l. 7. dele *which*. ibid. l. 8. after *up* r. *the Damages*. p. 703, l. 31. for *uprightly* r. *ſprightly*. p. 741. l. 32. r. *ſalute*. ibid. l. 36. r. *ſolita*. ibid. l. 54. r. *ipſa*.

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THE INTRODUCTION.

THE Hiſtory, which I undertake to write of the Kingdom of *Naples*, which for many Ages is to be the ſad Theatre of War, ſhall not ſtun the Readers with the Noiſe of Battels, nor the Claſhing of Arms; much leſs is it deſign'd for pleaſing them with fine Deſcriptions of its charming and delicious Places, with the Sweetneſs of its Climate, the Fertility of its Fields, and all that which Nature, in order to ſhew her Power, hath profuſely beſtow'd upon it: Neither is it intended for amuſing them with the Antiquity and Magnificence of the ſpacious and ſtately Edifices of its Cities, and of that which Mechanical Art hath ſo wonderfully perform'd in it: Others have undertaken that Province, and perhaps there's much more publiſh'd on that Subject than was needful. This Hiſtory ſhall treat altogether of Civil Affairs, and therefore, if I am not miſtaken, will be intirely new, wherein the Polity, Laws and Cuſtoms of ſo noble a Kingdom, ſhall be treated of ſeparately; An Undertaking, which has been wanted for compleating the Glory of this ſo illuſtrious and renowned a Province of *Italy*. We ſhall relate in a Series of little leſs than Fifteen Centuries, the various Conditions and Changes of its Civil Government under ſo many Princes that have govern'd it; and by how many Steps it at laſt arriv'd to the State in which we ſee it at preſent; how it vary'd by reaſon of the Eccleſiaſtical Polity and Statutes introduc'd into it; what Uſe and Authority the *Roman* Laws had in it, during the Empire, and how they afterwards declin'd; their being out of Date and Re-eſtabliſhment, and the various Fortune of the many other Laws introduc'd afterwards by different Nations; the Academies, Tribunals, Magiſtrates, Lawyers, Seignories, Officers and Orders; in ſhort, all that belongs to the Form of its Government, as well Political and Temporal, as Eccleſiaſtical and Spiritual.

IF this Kingdom had ſtarted up, as an Iſland in the midſt of the Ocean, ſeparated and divided from all the reſt of the World, we ſhould not have had the Trouble of writing ſo many Books in order to compoſe its Civil Hiſtory; foraſmuch as it would have been ſufficient to have known the Rights of the Princes who govern'd it, and their own Laws and Inſtitutions, by which it was govern'd: But ſeeing it hath almoſt always been ſubject, either to a vaſt Empire, as was that of the *Romans*, and afterwards to the *Greek*; or to a great Kingdom, as that of *Italy* under the *Goths* and *Longobards*; or at laſt, to other Princes, who having their Royal Seats plac'd elſewhere, from whence they govern'd it by their Miniſters, it ought to be imputed to cruel Neceſſity only, that in order to the right underſtanding its peculiar Polity, we are oblig'd to give a Hint of the Form and Diſpoſition of the *Roman* Empire, and after what manner its Provinces were govern'd, amongſt which, the moſt conſiderable that it had in *Italy*, were certainly theſe of which our Kingdom is compos'd. We ſhould not be able to comprehend their Revolutions, if at the ſame Time we did not ſhew the more general Cauſes, whereby the whole being chang'd, this Part likewiſe came to be altered; and ſeeing theſe Provinces, on account of their noble Advantages, invited many Princes of *Europe* to conquer them, therefore they were long diſputed, every one pretending Right to them, ſome as Tributary, others to have the Protection of them, and, in fine, ſome as Feudatory: Therefore we thought it worth the while to diſcover the Springs of all theſe Pretenſions; neither could they be otherwiſe made clear, but by giving a general Idea and Relation of the State of *Italy* at different Times, and often of other remote Principalities, and of the Transferring of Kingdoms from one People to another, from whence aroſe the numerous Pretenſions which ſet a going and encourag'd the Undertakings.

NEITHER have ſuch Searches been neceſſary only for giving an exact and diſtinct Knowledge of the Political and Temporal State of this Kingdom, as perhaps ſome have thought, but likewiſe of what concerns Eccleſiaſtical Affairs; foraſmuch as the Diſputes were no leſs among Secular Princes, than among the greateſt Prelates of the Church. This Kingdom was alſo contended for by the two moſt famous Patriarchs of the World, the one of *Rome* in the Weſt, and the other of *Conſtantinople* in the Eaſt. By all Right the Government of our Churches belong'd to the *Roman* Pontiff, not only as Head of the Univerſal Church, but likewiſe as Patriarch of the Weſt, even altho' his Patriarchal Authority had been confin'd to the Suburbicarian Cities only; but the Patriarch of *Conſtantinople*, with a raſh Boldneſs, attempted to uſurp his Right. He pretended, that many Churches of this Kingdom belong'd to his Patriarchate of the Eaſt; that it was his Right to erect Cities into Metropolis's, and to aſſign them what Suffragan Biſhops he thought fit: Therefore it was neceſſary to ſhew, how theſe two Patriarchates by degrees have extended their Bounds; which cannot well be done without a general Knowledge of the Polity of the Eccleſiaſtical State, and of the Diſpoſition of its Dioceſſes and Provinces.

THE Civil Hiſtory, according to the preſent Syſtem of the Catholick World, ſurely cannot be ſeparated from the Eccleſiaſtical. The Eccleſiaſtical State vying with that of the Political and Temporal of Princes, is ſo ſtrongly fix'd and rooted in Empire, by the means of their Statutes, that at preſent the Changes of the one cannot be diſtinctly perceiv'd without the Knowledge of the other. Therefore it is neceſſary to ſee, how and when the Eccleſiaſtical State intruded itſelf into Empire, and what Novelties it occaſion'd in this Kingdom; which, truly, was one of the greateſt Cauſes of the Change of its Political and Temporal State; and thereby, not without Aſtoniſhment, we ſhall diſcover, how, contrary to all the Laws of Government, one Empire hath been able to eſtabliſh itſelf within another, and how the Prieſthood often, by perverting the Devotion of the People, and its own Spiritual Power, hath incroach'd upon the Temporal Government of this Kingdom, which was the Source of the numberleſs Diſputes about Juriſdiction, with which the Chriſtian Republick will always abound, and our Kingdom more than any other, which induc'd ſome worthy Men to labour to bring theſe two Powers to a perfect Harmony and Agreement, by mutually communicating their Power and Energy; it being known by long Experience, that if the Empire aſſiſt the Prieſthood with its Power, in order to ſupport the Honour of God, and if the Prieſthood, in return, tie and unite the Affection of the People to the Obedience of the Prince, the whole State will flouriſh and be happy; but on the contrary, if theſe two Powers diſagree with one another, ſo as that the Prieſthood, by exceeding the Limits of its Spiritual Power, ſhould incroach upon the Political Government, or if the latter, by turning againſt God that Power which he has put into its Hands, ſhould intrench upon the Prieſthood, all will go into Confuſion and Ruin; of which the many Diſorders which have happen'd on that account in this our Kingdom are flagrant Teſtimonies.

IN treating of the Uſe and Authority, which as well the *Roman* Laws, as the Eccleſiaſtical Statutes, and the Laws of other Nations, had in theſe our Provinces,

vinces, we have ſpar'd neither Labour nor Pains; and, perhaps, my having dwelt ſo much on that Part of the Work, will diſcover my Profeſſion, and prove me to be more a Lawyer than a Politician. This Part truly wanted to be well explain'd among us; ſeeing that in all Places, and at all Times, the Practice and Authority of the *Roman* Laws were not the ſame; ſo that our Lawyers having neglected this moſt valuable Part, and likewiſe that of the Origine and Uſe of the other Laws that have been introduc'd into our Kingdom by foreign Nations, has been the chief Occaſion of their having ſtuffed their Volumes with groſs and ſtupid Errors; which ſhews us clearly, how much better it is for a Man to toil himſelf in ſearching after the various Fortune and Chance of the *Roman* Laws, and of thoſe of his own at home, than to go wandering up and down doubtful, and with little Certainty, in a foreign Country. Foraſmuch as, altho' it be in the Power of one Man to collect the Hiſtory of the Riſe and Progreſs of Learning in other Profeſſions, and of its various Succeſs over all the Parts of *Europe*, in which we have ſeen ſome now and then who have ſucceeded; nevertheleſs, as to the Juriſprudence, which often changes its Shapes on the Change of Princes and Nations, it is not an Undertaking that can be perform'd by one Man, but ought to be divided amongſt many, each of whom muſt ſet about to treat of the Uſe, Authority, and the various Changes that have happen'd in his own Country. So we perceive, that a Sort of a Hiſtory of the *Roman* Juriſprudence has been compil'd by ſome excellent Writers; nevertheleſs they have all labour'd to make it clear and evident in relating its Origine and Progreſs in the Times when the *Roman* Empire had its Riſe, Growth, and when it came to the higheſt Pitch of Grandeur; but its various Turns of Fortune, when the Empire began afterwards to fall from its Glory, its Declenſion, Extinction, and Reſtauration, the Uſe and Authority that it had in the new Dominions eſtabliſh'd in *Europe* after the Inundations of ſo many Nations, when by the new Laws it was in a manner extinct, and when, being reſtor'd, it eclips'd theſe, cannot ſurely be exactly deſcrib'd by any one Man in the whole World. Therefore it was well adviſ'd of ſome noble Genius's, who, after having given a Specimen of general things in their own Kingdom or Province, ſet Bounds to themſelves, beyond which they ſeldom or never went.

A *BRITON*, ſeparated from the reſt of the World, thinking that others had confin'd the Reach of human Underſtanding to too narrow a Compaſs, ſhew'd that he had Courage enough for ſo great an Undertaking. This was the famous *Arthur Duck*[1], who would not confine himſelf to his own Country of *England*, but went in Search of the Uſe and Authority of the *Roman* Laws in the new Dominions of Chriſtian Princes, as well to the neighbouring as the remoter Countries: He made diligent Inquiry after them, for Example, in the neighbouring Dominions of *Scotland* and *Ireland*; he went over to *France* and *Spain*; to *Germany*, *Italy*; and alſo came to our Kingdom; beſides, he travell'd as far as *Poland*, *Bohemia*, *Hungary*, *Denmark*, *Swedeland*, and to ſtill remoter Parts. But even this Work, tho' very famous, has clearly demonſtrated to the World, that this Undertaking was not to be perform'd by one Man; ſeeing that altho' by his great Care, and Travelling into diverſe Parts of *Europe*, ſuch as *France*, *Germany*, and *Italy*, he has been able, in a great meaſure, to remove the many Difficulties in the Proſecution of his Undertaking; nevertheleſs the Event has demonſtrated, that tho' he may have perform'd it exactly in *England*, *Scotland*, *Ireland*, and in ſome Countries not far diſtant from them; yet in other Parts, and eſpecially in our Kingdom, we ſee that he has demean'd himſelf like a Stranger; and, by following the common Guides, falls into many Blunders, having only furniſh'd us a very ſlight Account of the Practice and Authority both of the *Roman*, and thoſe Laws of our own, that have been introduc'd by the different Princes who have govern'd us. Neither has his Ingenuity allow'd him to diſſemble it in the Concluſion of his Book; expecting to be pardon'd by Strangers, if in treating about their Laws and Cuſtoms he has been ſo ſparing; and he confeſſes, that he had no other Deſign, than to incite the Lawyers of other Countries, that, by following his Example, they might do in their own Countries, or Provinces, what he had done with relation to *England*. A little before *Arthur Duck*, ſome Writers on this Subject, without much Travelling, confin'd themſelves to their own Countries. *Innocentius Cironius*[2], Chancellor of *Thoulouſe*, made a Tour through *France* only, yet very ſuperficially: But *Alteſerra* [1] made a more exact and diſtinct Search in the Province where he was born, to wit, *Aquitania*: And *Joannes Coſta*, an Excellent Profeſſor in *Thoulouſe*, promis'd to do the ſame, with the greateſt Exactneſs, over all the Kingdom of *France*; but this great Work, which was impatiently expected by *Cironius* [2], by *Arthur Duck* [3], and all other learned Men, hath never been publiſh'd to this Day, that we know of. *Joannes Dovjat* [4] did the ſame ſince, without going out of *France*; and ſometimes it has fallen out, that ſome, by having been too curious in the ſearching after the Laws of other Nations, have neglected what was moſt valuable in their own, and thereby have fallen into a thouſand Miſtakes.

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[1] A. Duck, De Uſu & Authoritate Jur. Civ. Rom. in Dominiis Principum Chriſtianorum.

[2] Ciron. Obſervat. Jur. Can. lib. 5.

GERMANY wants not its own Hiſtorian on this Subject. *Hermanus Coringius* [5] compiled a Treatiſe concerning the Origine and various Fortune of the *Roman* and *German* Laws, of which *Georgius Paſquius* [6] makes honourable mention; and in our Time *Burcardus Struvius* [7] has compiled another more diffuſive, wherein he mentions other Authors, who have done the ſame with reſpect to *Germany*.

HOLLAND has its own Hiſtorian, and *Joannes Voetius* compos'd a Book intitled, *De Uſu Juris Civilis, & Canonici in Belgio Unito*.

AS for *Spain*, we have *Michael Molinus*, who wrote ſuch another for the Kingdom of *Aragon*. *Joannes Ludovicus Cortes* wrote the Hiſtory *Juris Hiſpanici*; and *Gerardus Erneſtus de Frankenau*, has inlarg'd more than any other on that Subject [8]. *Swedeland*, *Denmark*, *Norway* and other Northern Provinces, have alſo their Hiſtorians on the ſame Subject. Neither are there wanting ſuch in ſome Parts of our *Italy*, as in *Milan*, *Franciſcus Graſſus*, [9] and in other Countries likewiſe of the ſame.

WHAT others have done for the Glory of their reſpective Countries, hath always been neglected in our Kingdom only: Neither truly can we expect to ſee it ſupply'd. What a ſtrange thing it is, that in ſo large a Kingdom, and productive of ſo many great Genius's, which the Works they have publiſh'd teſtify, and wherein they have ſhew'd that they had no other Study more at Heart, than that of the Laws, yet for all that, have neglected ſo noble and renowned a Subject: Becauſe an exact Hiſtory of the Uſe and Authority that the *Roman* Laws had in our Kingdom, and of the various Fate of the other Laws that from Time to Time were by different Nations introduced into it, by which the former were eclips'd, and how being afterwards reſtor'd, they recover'd their ancient Splendor and Authority, and are in the State we ſee them at preſent; ought truly to be what we ſhould moſt deſire, not for ſlight and vain, but for grave and moſt important Reaſons: Not that we ought to be anxious in diving into the various Turns they have undergone; nor by ſo doing, that we may add to their Luſtre, nor out of Oſtentation of rare and uncommon Erudition; but for more weighty Reaſons: which are, becauſe from an exact Knowledge of what we have propos'd, beſides the Improvement of Wiſdom, by the Uſe of the Laws, and a right Judgment, we may form the Idea of a moſt excellent Government; for, by obſerving in Hiſtory the Diſturbances and Commotions in Civil Matters, the Vices and the Virtues, and their various Viciſſitudes, we ſhall be beſt able to diſtinguiſh which is the true, and to chooſe the beſt.

BUT eſpecially upon that, in a great meaſure, depends the clearing of the Laws of our own Country, and of our Inſtitutions and Cuſtoms; which Matters have been ſo coarſely treated of by our Writers, and ſo ſtrangely explain'd to us, and often without comprehending the Senſe of them, for no other Reaſon, but becauſe they were ignorant of the Hiſtory of the Times, of their Authors, of the Occaſions of their being eſtabliſh'd, and ignorant of the Uſe and Authority of the *Roman* Laws, and thoſe of the *Longobards*; therefore they fell into the many Errors, Puerilities and uſeleſs Things with which their Volumes are ſtuff'd; and they were ſo blinded with Ignorance, that they valued themſelves upon being only Profeſſors of Law, and not Hiſtorians; not being ſenſible, that by their not being Hiſtorians, they were but wretched Profeſſors of Law, and render'd themſelves deſpicable, as well to Strangers, as to many of their own Countrymen. How many groſs Errors through Ignorance of Hiſtory, did *Carolus Molineus* [1] lay to the Charge not only of *Baldus*, but likewiſe of our *Andrea d'Iſernia?* And how much were our Writers deſpis'd on that account by others? How much was *Nicholas Boerius* laugh'd at, who wrote, that the *Longobards* were certain Kings that came to us from *Sardinia*, as alſo *Matth. de Afflict.* and many others?

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[1] Alteſ. Rerum Aquitaniæ, lib. 3.

[2] Ciron. lib. 5. Obſer. Jur. Can. cap. 6. & 7.

[3] Arthur. lib. 2. cap. 5. num. 43.

[4] Dovjat. Hiſt. Jur. Civ.

[5] Herm. Coring. de Origne juris Germanici.

[6] Georg. Paſq. de Novis Invent.

[7] Struv. Hiſt. jur. German. cap. 6.

[8] V. Struv. in Prolegom. ad Hiſt. jur. §. 28.

[9] Franc. Craſſ. in Libello de Orig. jur. Mediol.

ADD to this likewiſe, the great Advantage the Knowledge of Hiſtory is of to the Practice of our Courts and Tribunals, and even to publick Pleadings: For which we can produce no better Evidence in theſe Times, than the Cardinal *de Luca*, who had been a famous Advocate in *Rome*, and a moſt accompliſhed Barriſter, who in almoſt all his numerous Diſcourſes, whence ſo many Volumes were compiled, and from long Experience, has demonſtrated in a Thouſand Places [2], that the numerous Blunders of our Writers are owing to nothing elſe but the Ignorance of the Law-Hiſtory; ſo that he recommends nothing ſo much, both to Judges and Advocates, as the exact Knowledge of it, without which, Blunders and Stupidity are inevitable. But among our Writers none have made this Truth more evident, than that greateſt Ornament of our Tribunals, the incomparable *Franciſcus d'Andreys*, who in that learned Feudal Diſputation [3], which he publiſh'd, has fully demonſtrated, that by no other means, than this of Hiſtory, was it poſſible to remove the Difficulties into which our Writers had involv'd that Matter; which had occaſion'd their committing a thouſand Miſtakes. And this ought to be a Warning to all, how much the Knowledge of the Law-Hiſtory is neceſſary in all Pleadings at the Bar: Whereof this learned Man, as far as his Purpoſe would bear, has given us an excellent Intimation. And truly it has been our Misfortune, that he did not attempt to do for our Country, what other Writers have done for theirs; for then certainly, we ſhould not have had occaſion to lament ſuch a Want at this Day. For what could we not have expected from the Strength of his divine Genius, from his great Skill in the Laws, in Hiſtory, and from his Erudition; from his wonderful Eloquence, unwearied Application and Accuracy? Neither, in my Opinion, are fewer Endowments requir'd for accompliſhing ſuch an Undertaking, which, when ſhar'd out amongſt many, create Admiration, and yet, were moſt ſurprizingly center'd in him alone.

WEIGHTY then, and perhaps ſuperior to my weak Abilities, is the Task that I have undertaken; and ſo much the more weighty, that I have declared it impracticable to treat of the Law-Hiſtory to any purpoſe, without joining at the ſame time the Civil with it, which I have done, by treating of the Polity of this Kingdom together with its Laws; the Hiſtory of which could not have been perfectly underſtood, if at the ſame time we had not ſhewn from whence they ſprung, and what Diſpoſition and Form theſe Provinces had that were govern'd by them. And thence it hath happen'd, that by attributing their Changes to the Eccleſiaſtical Statutes, which afterwards were call'd Canonical Laws, this Work of mine has become a great Attempt, whereby I have involv'd myſelf into many Difficulties, out of which it will be hard to extricate myſelf: Therefore, I was many times tempted to give it over, foraſmuch as conſidering with myſelf the Difficulty of the Undertaking, the Buſtle of the Courts of Juſtice that diverted me from it, and much more being conſcious of my weak Capacity, I thought, that not only all my Endeavours would be to no purpoſe, but likewiſe, that I ſhould be accus'd of too great Aſſurance; whereupon, being terrified at ſo many Difficulties, I baniſh'd all thoughts of proſecuting it, by reſerving the Task to a more fit Opportunity, and when I ſhould be at more leiſure.

BESIDES, from my Youth I had heard, that *P. Parthenius Giannettaſius*, in the Solitudes of *Surrentum*, freed from all worldly Cares, with great Helps, and a huge *Apparatus*, had undertaken to write the *Neapolitan* Hiſtory; and altho' my Deſign was quite different from his, nevertheleſs both of us, tho' with different Aims, deſigning to treat of the ſame Subject; I apprehended that he, by prying more narrowly, might deprive me of the Novelty of many Things which I had obſerv'd, and perhaps, might ſearch more nicely into others, than I was able to do, who wanted ſo many Helps, and ſo much Leiſure: And this contributed to incline me to lay aſide the Undertaking.

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[1] Molin. in Comment. ad Conſuet. Pariſ. part. 1. tit. 1. num. 91 & 96.

[2] Card. de Luca de ſervit. Diſc. 1. De judiciis Diſc. 25. De regularib. Diſc. 161. in Miſcellanies, et alibi ſæpe.

[3] Franc. de Andreys Diſp. an fratres in feuda noſtri Reg. Succed. &c.

BUT being on the other hand exceedingly encourag'd by ſeveral Perſons of the moſt exalted Genius, I went on in proſecuting the Work, with a Deſign, that it ſhould only ſerve for myſelf and the Curious; amongſt whom there wanted not ſome, who, beſides approving of the Matter, and puſhing me on to proſecute it, with very prevailing Arguments, accus'd me of Puſilanimity; whereupon I took courage, and became more bold; eſpecially as I reflected, That this Work, whatever it might prove, was not to be expos'd to all the World; nor to go beyond the Limits of this Kingdom; ſeeing it was only deſign'd for the Peruſal of Perſons curious in our Affairs; and that if it ſhould ever be of any Advantage, it was we ourſelves that were to reap it. But what moſt of all embolden'd me, was, The favourable Aſſurance of thoſe who are imploy'd in the Magiſtracy and at the Bar (of whoſe Kindneſs and Friendſhip towards me, I had had long Experience) That this my Eſſay would not be reckon'd Impudent, and whatever Defect they might find in it, they would rather excuſe and bear with it, than blame and deſpiſe it.

But whilſt I, ſtimulated by ſo many Motives, was proſecuting the Undertaking, behold, when I ſcarcely came to the tenth Book of the Work, the ſo long expected Hiſtory of *Naples* was publiſh'd in the Year 1713. in *Latin*, by the aforeſaid famous learned Man. I read it immediately, and, quite contrary to my Expectation, it cannot be expreſs'd, how much more bold it made me in the Proſecution; when I found, that this able Man had had little other Deſign, than to tranſlate into good *Latin* the Hiſtory of *Summonte*, for the Benefit of thoſe who do not perfectly underſtand our *Italian* Language.

THEREFORE this Fear being over, I can now boldly promiſe thoſe, who will undergo the Trouble of reading this Hiſtory, that I preſent them one altogether new, and as yet never attempted by any other Perſon.

MOREOVER, I have endeavour'd to ſupport all that I have related, with the Authority of Men moſt worthy of Credit, and who were either Cotemporaries with the Events that are treated of, or moſt exact Searchers of our Records. My Style ſhall be altogether plain and ſimple, being willing that my Talents, few and weak as they are, ſhould be all employ'd in Matter rather than Words, by directing my Reader to the Search of Truth alone; and I was willing likewiſe, that its Clearneſs ſhould depend much more on a right Connexion of Events with their Cauſes, than on Phraſes of Speech, or the over-nice Ranging of Words. And as I was unwilling to arrogate to myſelf ſo much Authority as to think that my ſingle Narration ought to be credited, I have added in the Margin the Authors that liv'd neareſt the Time of the Events treated of; or at leaſt thoſe who are the moſt exact and careful; and all that was not ſupported with lawful Vouchers, I have excepted againſt as fabulous, or paſs'd it over as doubtful.

I AM not ſo ignorant of the Laws of Hiſtory as not to perceive, that ſometimes I have not carefully obſerv'd them; and that, perhaps, by my having been at too much Pains in ſearching into many Things of little Moment, I may have ſometimes derogated from them; and that often by deriving Things from too remote Principles, I may have too much deviated from the Deſign of the Work. But I likewiſe know, that all Subjects cannot be fitted to the ſame Rules, and that mine being concerning the Polity and Civil State of this Kingdom and its Laws, as the Matter was quite different, ſo likewiſe it behov'd me to make uſe of a different Method; and as I pretend that it may be of ſome Advantage, even to our Affairs before the Courts of Juſtice, it will not be imputed as a Fault in me, if by deſcending to the moſt minute Things, I may, perhaps, in ſome meaſure have leſſen'd the Gravity of it, becauſe our Profeſſors, for whom it is chiefly intended, and eſpecially what concerns the Law-Hiſtory, cannot read it without reaping ſome Advantage by it; On the contrary, ſome things would have perhaps required a more ſtrict and narrow Examination, but not being intirely Maſter of my Time, I ſhould never have ended. And my having ſometimes inlarg'd upon the Principles of Things, was, becauſe Events could not otherwiſe be diſtinctly connected with their Cauſes; which beſides Knowledge, carries along with it Perſpicuity; as will be perceiv'd in the Courſe of this Hiſtory.

BUT upon what more ſolid Foundations could I build the Civil Hiſtory of our Kingdom than by beginning with the *Romans*, to whom, as we may ſay, the Art of Government and making Laws was peculiar, when theſe our Provinces had the Fate to be long govern'd by them? For which end, in the Firſt Book, before we come to the Time of *Conſtantine the Great*, which ſhall be the Beginning of our Hiſtory, we ſhall give, by way of *Apparatus*, a Specimen of the Form and Diſpoſition of the *Roman* Empire, and of its Laws: Of the Favour of the Princes to which they ow'd their Glory: Of the Wiſdom of their Conſtitution: Of the Prudence of the Lawyers; and of the two moſt famous Acadamies of the World, the one of *Rome* in the Weſt, the other of *Berytis* in the Eaſt: Seeing the Decay and many Revolutions and Changes of the Civil State of our Provinces, which happen'd afterwards, when *Conſtantine* was pleaſed to tranſlate the Seat of the Empire to *Conſtantinople*, and of one, to make two Empires, may be more clearly deſcrib'd, by a ſuccinct Account of their flouriſhing State, as well with reſpect to what belong'd to their Polity as their Laws, in the Times preceding that Prince.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK I.

THAT large and potent Part of *Italy*, which now is call'd the Kingdom of *Naples*, being ſurrounded both by the Upper and Lower Seas, has no other inland Limit but the Eſtate of the Church of *Rome*; when, by the victorious Arms of the People of *Rome*, it was happily join'd to their Empire, had a Form of Government very different from that which it had aſterwards in the Times of the *Roman* Emperors. When it came under the Dominion of the Kings of *Italy* it got a new Polity. It ſuffer'd other Changes under the Emperors of the Eaſt. And it underwent many more ſtrange Alterations, when by various Fortune it paſs'd from one People to another: At laſt it came under the moſt auguſt Family of *Auſtria*.

DURING the Time of the Free Commonwealth it was not divided into *Provinces*, as it was aſterwards; neither had it any other Laws but the *Roman*. The different People who inhabited it, took from, or gave Names to the different *Regiones* into which it was divided; and the Cities of each *Regio*, according as they kept in Friendſhip with, and were faithful to the People of *Rome*, receiv'd hard or mild Uſage as they deſerv'd. They had no occaſion to look out for a better Form of Government than that which the provident *Romans* had introduc'd in thoſe early Times, the Art of Government being peculiar to them, for which they were remarkable above all other Nations in the World; as the incomparable *Virgil* teſtifies, [1] who after having given to each Nation the Praiſe for thoſe Arts in which they were moſt famous, prefers the *Romans* alone for the Art of Government to all other Nations: By which *Rome* gain'd more Renown than it did by its Conqueſts; for if we have regard only to the Extent of its Empire, the *Aſſyrians* may, in ſome meaſure, boaſt of theirs acquir'd by *Ninus*; the *Medes* and the *Perſians* of theirs by *Cyrus*; and the *Grecians* of theirs founded by *Alexander the Great*. The Conqueſts of the *Turks* were not inferior to thoſe of the *Romans*, and under the famous Emperors *Mahomet* II. and *Soliman*, their Empire was nothing leſs [1]; and even the *Spaniards*, with more reaſon may brag of that of the moſt ſerene Kings of *Spain*; being greater, if we conſider the Largeneſs of its Extent, which is ſuch as the World never ſaw the like before [2]. And how excellent and incomparable ſoever the Wiſdom of their Councils was, the Intrepidity of their Minds, their Virtues, and the Succeſs wherewith all their Undertakings were crown'd; yet the Opinion of the World, and of the graveſt Writers [3], who have look'd upon all their Expeditions as unjuſt, and their Wars often carried on and ſupported without any reaſonable Cauſe, has very much leſſen'd their Reputation, and the Glory of their Arms. The moſt famous Writers in the World have tir'd themſelves purely in extolling the Wiſdom of their Government, and the Juſtice of their Laws, for which alone they have deſervedly been renown'd above all other Nations. A moſt evident Argument of which we ſee, That although their Empire be long ago ruin'd and extinct, yet the Authority and Uſe of their Laws are continued in the new Dominions founded in *Europe*; for which, no other Reaſon can be given, but that the *Roman* Laws were fram'd with ſo much Judgment and Wiſdom, as to diffuſe and propagate themſelves in all Parts of the World, not ſo much by the Power of their Empire, nor becauſe, by the Law of Nations, the Vanquiſh'd were always ſubjected to the Laws of the Victorious, as that thoſe who were ſubjected were ſenſible of the Advantage they receiv'd from their mild and juſt Government. Whence it was, that the moſt remote and barbarous Nations of their own Free-Will receiv'd their Laws, having the Prudence and Juſtice of them to comfort them in their Servitude. Thus *Cæſar* while he triumph'd over *Euphrates*, and ſubjected theſe Countries to his Empire, being victorious, gave Laws to theſe People, but *Populo Volenti* [4]. Neither did they ſtand in need of leſs than the Wiſdom of their Government, and the Juſtice of their Laws, for begetting, amongſt ſo many different and diſtant Nations, that Tractableneſs and Mildneſs of Manners which *Libanius* [5] exaggerates in thoſe who lived according to the Inſtitutions and Laws of the *Romans*; and that Concord, and Bond of compleat Civil Society which *Prudentius* deſcribes to us [6] amongſt thoſe who were in Subjection to them. So there are not wanting ſome very grave Writers [7], amongſt whom we muſt not forget *Auguſtine* [8], who believ'd that it was by *Divine Providence* the *Romans* conquer'd the World; that by their Government, which was the higheſt Pitch of Wiſdom and Juſtice, the Manners and Savageneſs of ſo many Nations might be render'd more tractable and mild; to the end that Mankind might be the more eaſily diſpos'd to receive that *Religion*, which was at laſt deſign'd for the Overthrow of *Paganiſm*; and being eſtabliſh'd upon more ſolid Foundations, was to inlighten the Earth and bring it to a true Faith: Wherefore, as a Reward of their Juſtice, the Empire of the World had been beſtow'd upon them. The Emperors *Diocleſian* and *Maximinian* in one of their Edicts which we read in the *Gregorian Code*, left us this very grave Encomium on the *Roman Laws*: *Nihil niſi ſanctum, ac venerabile noſtra jura cuſtodiunt: Et ita ad tantam magnitudinem Romana majeſtas cunctorum Numinum favore pervenit: Quoniam omnes ſuas leges religione ſapienti, pudoriſque obſervatione devinxit* [9]. For which Cauſe it was, that the Nations of *Europe* eſteem'd them not as the Laws of one ſingle People, but as Univerſal and Common to all Nations; and that Princes and Commonwealths ſtrove to frame their Dominions after their Model, ſo that it ſeems at this Time, as if the *Chriſtian World* was guided and govern'd by their Rule; whence it is, that in all well inſtituted Academies they are publickly taught for that end.

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[1] Virg. Æneid. lib. 6. v. 851. Tu regere Imperio Populos Romane memento;
Hæ tibi erunt artes, &c.

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[1] Bodin. de Repub. lib. 1. cap. 2. Scipio Ammirat. in his Opuſc. diſc. 8.

[2] Bodin. de Rep. lib. 2. cap. 2. Lypſius Admiranda Urbis Romæ, lib. 1. cap. 3. in fine.

[3] Cyprian. lib. de Idolor. vanit. Minut. Felix in Dialog. Octavius. Arnobus adver. gentes, lib. 8. Hieronym. in Com. ad cap. 2. Dan. Lact. lib. Divin. Inſtitut. cap. 18. Auguſtin. lib. 4. De Civitat. Dei, cap. 4 & 6.

[4] Virgil. Georg. lib. 4. v. 561. --- Victorq; Volentes, per Populos dat jura.

[5] Libanius in Panegyr. Julian. Coſ.

[6] Prudent. lib. 2. contra Symmach.

[7] Zonaras ad Canon. & Conſtitut. Apoſtol. lib. 7. cap. 27.

[8] Auguſt. lib. 5. cap. 12. & 15. de Civit. Dei.

[9] Lib. 5. C. Greg. tit. de nupt.

'Tis true, it will appear very ſurprizing to any one who conſiders the Succeſs of the Arms of the People of *Rome*, that in ſo ſhort a Time they ſhould be able to extend their Empire over ſo many and diſtant Provinces. Neither can it be mention'd without Aſtoniſhment, that in the Infancy of their Government, and while they were wreſtling with their Neighbours, they ſhould ſo ſoon overcome them; that ſoon after having ſubdu'd *Italy*, even before they were fully grown up, they ſhould be in a Condition to conquer the moſt remote Countries. They took *Sicily*, *Sardinia*, and *Corſica*, and afterwards advanc'd into the large Countries of *Spain*; and being now arriv'd at their Manhood, and become powerful, they ſubjected *Macedonia*, *Greece*, *Syria*, *Gallia*, *Aſia*, *Africa*, *Britain*, *Egypt*, *Dacia*, *Armenia*, *Arabia*; and laſtly, the furtheſt Provinces of the Eaſt: So that at laſt, being oppreſs'd with the great Weight of ſuch an exceſſive Bulk, they were oblig'd to give way, and ſink under the Burthen.

BUT, perhaps, the Method and Moderation which was practis'd with reſpect to the People they vanquiſh'd and overcame, ought to ſeem a Thing more wonderful and worthy of greater Commendation; and their not following the Example of the *Athenians* and *Lacedemonians*, by whom all were treated as Aliens, in governing them with too much Severity: Conditions were granted them ſevere or mild, according as either their Fidelity and Friendſhip, or their Obſtinacy and Frowardneſs had deſerv'd. Some People, ſays *Flaccus* [1], obſtinately made War againſt the *Romans*. Others having Experience of their Fidelity and Juſtice, kept themſelves in continual Peace. Some others knowing their Virtue, yielded to them of their own accord, and united with them, and frequently carried Arms againſt their Enemies; whence it was neceſſary, that according to the Deſerts of each Nation they were to receive Laws and Conditions; becauſe it would have been unjuſt to have treated the People that were faithful, upon the ſame Foot with thoſe who ſo often had broke their Faith and Oaths, by taking up Arms againſt the People of *Rome*. For which cauſe *Italy* was govern'd with Conditions different from the other Provinces of the Empire. Whence it came to paſs, that in the Cities of *Italy* themſelves were introduc'd theſe different Orders, and theſe various Privileges of *Roman* Citizens, ſuch as *Municipia Latinitas*, *Præfectura*, and *Civitates Fœderatæ*; whence likewiſe it came to paſs, that having made themſelves Maſters of ſo many and ſo remote Provinces, they very prudently ordain'd ſome to be *Vectigales*, ſome *Stipendiariæ* or *Tributariæ*, others *Proconſulares*, and others *Præſidiales*.

CHAP. I.

Of the STATE *of the* CITIES *of* ITALY.

THE *Romans* having driven away their Kings, reſolv'd to get rid of all Sorts of Deſpotick Government, to enjoy a perfect Liberty, as well in their Perſons as Eſtates: And as they would ſubmit to no King nor Monarch, neither would they depend upon any other Magiſtrate, who claim'd an arbitrary Dominion over them; this they called *Jus Libertatis*, by which they reſerv'd to themſelves the Power of condemning a *Roman* Citizen, either to Capital or Corporal Puniſhment: And 'tis to be believ'd, that they likewiſe would have had no Magiſtrates, if they had been able to ſubſiſt without them;

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[1] Siculus Flaccus de condit. Agror. in Princ.

ſo much did they abhor arbitrary Dominion, becauſe ſome of their Kings had made a tyrannical Uſe of their Power. It was the Privilege of the *Roman* Citizens to be number'd amongſt the Tribes and Centuries by the Cenſors; to give their Suffrages; to be raiſed to the prime Honours and ſupreme Magiſtracy; to be admitted only into the *Roman* Legions, partake of the military Offices, and the publick Treaſury; to enjoy only the paternal Power with reſpect to their Children [1], the *Jus Gentilitium*, of Adoption, of the *Toga*, of Commerce, *Connubium*, and the other Privileges learnedly explain'd by *Sigonius.* [2]

AS to their Eſtates, the *Romans* likewiſe would have their Inheritances intirely free, exempted from Seignory, and that they ſhould belong to the Proprietors *optimo jure*, or, as they call'd it, *jure Quiritium*; which oblig'd *Bodinus* to ſay [3], that Seignory was the Invention of barbarous Nations, not known to the *Romans* with reſpect to their Perſons or Eſtates; which is very true as to the Perſons of *Roman* Citizens, and thoſe who by Privilege had become ſuch, and with Regard to the Eſtates in *Italy*: But, with reſpect to thoſe who were not *Roman* Citizens, and conſequently had not that Title to Liberty peculiar to them; over their Inheritances ſituated out of *Italy* they acknowledg'd that Tenure, as we ſhall ſhew by and by; the *jus Quiritium* not being allow'd to the Provincials for their Goods, which was known by that old Diviſion of theirs, *Rerum mancipi, & nec mancipi.*

THESE were the moſt remarkable Privileges of *Roman* Citizens, to wit, of thoſe who had the good Luck to be born in *Rome*, or in its Neighbourhood; and accordingly ſome of them were granted out of ſpecial Love and Favour to other Places of *Italy*; whence the different Conditions of *Municipia*, *Coloniæ*, *Civitates fœderatæ*, and *Præfecturæ.*

THE Condition of the *Municipia* was the moſt deſirable and honourable that any City of *Italy* could have, particularly when the Privilege of Suffrage was likewiſe granted with it; in which Caſe the *Municipes* differ'd little from the Citizens of *Rome* themſelves, except only the being inrolled in the *Curiæ*, which was the Privilege of native *Romans*; and they were called *Municipes cum Suffragio*, to diſtinguiſh them from thoſe to whom ſuch a Privilege was not granted, called therefore *Municipes ſine Suffragio.* They were alſo allow'd to chuſe their own Magiſtrates, and to retain their own Laws, to diſtinguiſh them from the *Coloniæ*, who could have no other Laws but the *Roman.* And whence it comes, that in our Time the particular Laws of a Place or a City are called Municipal Laws; which Prerogative, either by the Permiſſion or Connivance of the Prince, we ſee that many Cities of theſe our Provinces do ſtill retain [4].

The *Coloniæ* were the next honourable. The Writers of all Ages cannot enough extol the Inſtitution of *Romulus*, afterwards ſo frequently practis'd by the *Romans*, in ſending new Inhabitants to the conquer'd or waſte Countries, whom they called *Coloni*: From which admirable Inſtitution they drew many Advantages; the City of *Rome*, which was oppreſs'd with the Multitude of Citizens, for the moſt part uſeleſs and burthenſome, thereby became eas'd; the Citizens themſelves, who had Fields aſſign'd them in theſe Countries, were comforted, and had Conveniencies of Life; and even the conquer'd People had their Advantage in it, by their Country's being more frequented, their Fields better cultivated, and all put in a better Way of living, whence they became more Polite and Civil; and laſtly, the *Roman* Empire itſelf was better'd by it; for ſuch a Law occaſion'd new Towns and new Cities to be built, and render'd the conquer'd Country more ſecure to the Conqueror; and filled the waſte Places with Inhabitants, diſpers'd more conveniently in all Parts, who by living more at Eaſe, multiply'd the more, and were the more ready to defend themſelves, and offend their Enemies; for a Colony planted in a Country newly poſſeſs'd, is like a Citadel and a Guard to keep the Country in Awe. For theſe Reaſons the *Coloniæ*, as deriving all they had from the City of *Rome*, differ'd from the *Municipia*, (which ſupported themſelves, and were protected by their own Magiſtrates and their own Laws) had nothing of their own, but were oblig'd to obſerve the Laws and Inſtitutions of the People of *Rome.* Which Condition, although it ſeem'd leſs free, nevertheleſs it was more deſirable and excellent, by Reaſon of the Majeſty and Grandeur of the City of *Rome*, of which theſe Colonies were ſmall Reſemblances and Images: And by their being ſubjected to the Laws of the People of *Rome*, becauſe of their Excellency and Uſefulneſs, it was rather acquiring Liberty than Servitude: Beſides that, the particular and peculiar Laws of the *Municipia*, as *A. Gellius* reports [1], were obſcure and out of Date, and being ſo obliterated, they could not be made uſe of; but the Adminiſtration and Government of the Colonies were no otherwiſe appointed than that of the City of *Rome* itſelf; foraſmuch as there were in *Rome* the People and the Senate, ſo in the Colonies there were the *Plebeians* and the *Decuriones*: Theſe were the Reſemblance of the Senate, and thoſe of the People. From among the *Decuriones* every Year were elected two or four, according to the Bigneſs or Smallneſs of the Colony, which were called *Duumviri* or *Quatuorviri*, who reſembled the *Roman* Conſuls. They appointed an *Ædilis*, who had Care of the *Annona*, the publick Buildings, the Streets, and ſuch like Things; a *Quæſtor*, who had the Charge of the publick Treaſury; and other leſſer Magiſtrates, after the Manner of *Rome*. In ſhort, they were in every Thing, as to Cuſtoms, Laws, and Inſtitutions, the ſame with the *Romans* themſelves; and it ſeem'd to the new Inhabitants as if they lived in *Rome* itſelf. It was *Auguſtus*, who ſeeing the Colonies in *Italy* increas'd to the Number of Twenty-eight, ordain'd, that they ſhould not have an independent Privilege of electing their Magiſtrates out of their own Body, but only allowed the *Decuriones* to give their Votes for what Magiſtrates they would have, which Votes they were to ſend incloſ'd and ſeal'd to *Rome*, where they were choſen [2].

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[1] Juſtin. lib. 1. Inſtit. de Patr. pot. § jus autem.

[2] Sigon. de Antiq. jure Civium Rom. cap. 6. lib. 1.

[3] Bodin. de Rep. lib. 2. cap. 2.

[4] Afflict. in Proem. Conſtit. Regni, Vin. lib. 1. Inſtit. tit. 1.

BESIDES the *Municipia* and the *Coloniæ*, there were likewiſe, before the *Italian* War, other Cities in *Italy* which had Conditions more honourable and free: Theſe were the *Civitates fœderatæ*; ſave ſome Tribute which they paid to the *Romans*, by the League and Confederacy agreed upon, in all other Things they were reckon'd free. They had their own Form of a Republick, lived according to their own Laws, made their own Magiſtrates, and many times prided themſelves in the Title of the Senate and People. So from *Livy* we learn, that *Capua* in ancient Times, when it was a confederated City, before it was reduced to a *Præfectura*, was govern'd as a Republick, having Magiſtrates, Senate and People, and its own Laws. We read likewiſe of the *Tarentini*, that altho' they were ſubdu'd, they were left at their Liberty by the *Romans*: The *Neapolitans*, thoſe of *Præneſte* [3] and *Tivoli*, and other People, were treated after the ſame manner, as *Polybius* teſtifies [4], whoſe Cities were ſo free, that it was allow'd to thoſe who were condemn'd to Baniſhment, to take up their Abode in them, and ſo to fulfil their Sentence.

IN the laſt Place follow the *Præfecturæ*. Without all doubt, amongſt all the Cities of *Italy*, the *Præfecturæ* were in the moſt wretched Condition; ſince thoſe Cities which had been Ungrateful and Unthankful to the People of *Rome* by renouncing their Allegiance, and being again reduc'd under their Power, were puniſh'd no otherwiſe than by making them *Præfecturæ*; as they were wont to ſend from *Rome* every Year *Prætores* into the Provinces, ſo to thoſe Cities were ſent *Præfecti*, to whom the Adminiſtration and Government of them were committed; wherefore they were call'd *Præfecturæ*. Their Citizens could neither uſe their own Laws, as the *Municipia*; nor make their Magiſtrates out of their own Body, as the *Coloniæ*; but were govern'd by Magiſtrates ſent them from *Rome*, and liv'd under ſuch Laws as they were pleas'd to impoſe upon them. *Capua* was once in that ſtate, to wit, after the ſecond *Carthaginian* War, and before it was chang'd into the Form of a *Colonial City*. The *Præfecturæ* were likewiſe of two Sorts. Ten Cities, all ſituated in this Kingdom, were govern'd by as many *Præfecti*, who were appointed by the People of *Rome*, and ſent to command them. Theſe were *Capua*, *Cuma*, *Caſilinum* [5], *Linternum*, *Pozzuolo*, *Acerra*, *Sueſſula* [6], *Atella*, and *Calatia* [7]. The *Prætor Urbanus* was wont to ſend *Præfecti* to the reſt, and theſe were *Fundi*, *Formia* [8], *Cere*, *Venaſrum*, *Aliſa*, *Piperno*, *Anagnia*, *Fruſilone*, *Reate*, *Saturnia*, *Nurſia*, and *Arpinum*.

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[1] A. Gell. lib. 16. noct. att. cap. 13. in fine.

[2] Suet. cap. 46. in Auguſt. P. Carac. de Sacr. Eccl. Neap. monum. cap. 6. Sect. 1.

[3] Paleſtrina.

[4] Polyb. lib. 6. Exulibus impune degere licet Neapoli, Præneſte, Tibure; item aliis in urbibus, quibus hoc jure fœdus intercedit cum Romanis.

[5] Caſtellucio.

[6] Seſſula.

[7] Cajazzo.

[8] Moli di Gaeta.

ONCE the Number of the *Civitates Fœderatæ* in *Italy*, was greater than that of the *Coloniæ*, the *Municipiæ*, and the *Præfecturæ*: But there have been many Changes ſince, one City paſſing to the State of another, and that into the State of this. Thus *Capua*, from a *Fœderata* became a *Præfectura*; thereafter, in the Conſulſhip of *C. Cæſar*, was a *Civitas Colonia*: *Cuma*, *Acerra*, *Sueſſula*, *Atella*, *Formia*, *Piperno* and *Anagnia*, were firſt *Municipiæ*, afterwards *Coloniæ*, and ſometimes alſo *Præfecturæ*. *Fundi*, *Cere* and *Arpinum*, once were *Municipia*; *Caſilinum*, *Vulturnum*, *Linternum*, *Pozzuolo*, *Saturnia*, were *Coloniæ*; and *Calatia*, *Venafrum*, *Aliſa*, *Fruſilone*, *Reate*, and *Nurſia*, while the Liberty of the People of *Rome* laſted, were always *Præfecturæ*.

BUT we ought not to proceed without obſerving, That thoſe various Degrees, and different Conditions of the Cities of *Italy*, had all their Stability as long as the Liberty of the People of *Rome* continu'd. For afterwards, not to mention that *Auguſtus* depriv'd many of the *Civitates Fœderatæ* of their Liberties which they had made a wrong Uſe of [1]; by the *Julian* Law all Suffrages being made equal, and the Freedom of the *Roman* Citizens being granted to all *Italy*, as afterwards by *Antoninus Pius*, it was allow'd to the Provinces; the Rights of the *Municipiæ*, *Coloniæ*, and *Præfecturæ* were aboliſh'd, and theſe Titles began to be confounded, ſo that ſometimes *Colonia* was taken for *Municipium*, and *Municipium* for *Colonia*, and alſo for *Præfectura*; whence, after the *Julian* Law all the Cities of *Italy*, to which the *Jus Suffragii* was allow'd, might be call'd *Municipia*; and *Antoninus Pius* made the Condition not only of the Cities of *Italy*, but of all Nations the ſame; and *Rome* was the common Country of all thoſe who were ſubject to its Empire [2].

THESE were the various Conditions of the Cities of *Italy*. We ſhall now relate thoſe which the People of *Rome* granted to the Provinces out of *Italy*, which were much the ſame.

CHAP. II.

Of the State *of the* Provinces *of the* Empire.

THE Lands of the Provinces continu'd ſubject to the Publick Seignory of the Empire as formerly. The *Romans* having in the Space of Five hundred Years ſubjected *Italy*, and carrying their victorious Arms out of it, ſubdu'd to their Empire many vaſt and immenſe Countries, which they divided into *Regiones*, but in the Form of *Provinces*; the firſt were *Sicilia*, *Sardinia*, *Corſica*, the two Provinces of *Spain*, *Aſia*, *Græcia*, *Gallia Narbonenſis*, the *Balearian* Iſlands, *Thracia*, *Numidia*, *Cyrene*, *Cilicia*, *Bythinia*, *Creta*, *Pontus*, *Syria*, *Cyprus*, and *Gallia Tranſalpina*. To which *Cæſar* afterwards added *Mauritania*, *Pannonia*, *Meſia*, *Ægyptus*, *Cappadocia*, *Britannia*, *Dacia*, *Armenia*, *Meſopotamia*, *Aſſyria*, and *Arabia*.

THE chief Conditions, and which were common to all theſe Provinces of the *Roman* Empire, were, I. That they were to obey the *Roman* Magiſtrates; whence it was, that from the various Titles of Magiſtrates ſome were called *Proconſular*, others *Præſidial*. II. That they ſhould receive Laws of the Conqueror. III. That they ſhould be Tributary to him. But in laying on the Tribute there was great Difference amongſt them; ſince the *Romans* diſpos'd of the Lands [3] poſſeſs'd by the Enemy after this manner, ſome they ſold, ſome were given to the *Veteran* Soldiers, others they left to the old Poſſeſſors, either out of Favour or Friendſhip, or other Reaſons moving the Captain ſo to do. Thoſe from whom the Lands were not taken, neither in Whole nor in Part, were made *Vectigales*, *Stipendiarii* or *Tributarii*; for which Cauſe ſome Provinces were called *Vectigales*, others *Stipendiariæ* and *Tributariæ*. The *Vectigales* were thoſe, which paid certain Tolls or Cuſtoms for particular Things agreed upon, ſuch as Carriages, Vendible Things, Metals, Salt, Pitch and Tar, and ſuch like Things as are wont to be farm'd by Toll-gatherers. The *Stipendiariæ* or *Tributariæ* were thoſe, which paid certain Taxes or Tribute to the People of *Rome*; and although theſe two Words *Stipendium* and *Tributum* are confounded by *Ulpianus* [1], yet they were certainly different, ſince *Stipendium* was a certain and ordinary Weight; the *Tributum* was uncertain and extraordinary, which according to the Difference or Neceſſity of the Times and Things was impoſ'd [2].

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[1] Tranquil. in Aug. cap. 47.

[2] L. Roma, D. ad municipialem, L. 6. D. Excuſat.

[3] Flac. de condit. agr. Alteſerra, Rerum Aquit. lib 3. cap. 1.

IN this manner then, ſome Provinces of the *Roman* Empire were *Vectigales*, ſuch as *Aſia*, *Gallia Narbonenſis*, and *Aquitania*; ſome others were *Tributariæ*. But as the Conditions of the Cities of *Italy* were not always the ſame, nor fix'd, and were afterwards alter'd by *Cæſar*; ſo the State of the Provinces, as deſpotick Power began to creep in, and the Authority of the Emperors ſtill increaſed, likewiſe chang'd their Conditions according to the Pleaſure of the Princes. Thus *Aſia* was *Vectigalis*, until that *Cæſar* having overthrown *Pompey*, chang'd it into *Tributaria* [3]. *Gallia* from *Vectigalis* was made *Tributaria* by *Auguſtus*, and afterwards made free [4]. And on the contrary, in the Times following, we ſee, that *Veſpaſian* granted the *Jus Latii* to *Spain* [5]. *Nero* likewiſe made all *Greece* free; but *Veſpaſian* ſoon depriv'd it of its Liberty, making it again *Vectigalis*, and ſubjected it to the *Roman* Magiſtrates, as having made a bad Uſe of its Liberty, according to *Pauſanias* [6].

FINALLY, the other *Roman* Emperors, who coveted nothing more than by Degrees to bring the *Roman* Empire to a Monarchy, by taking from the *Romans* all their Privileges (as had been practis'd with reſpect to the Cities of *Italy*, which by the *Julian* Law were all made equal to *Rome*) treated the Provinces after the ſame manner: Whereupon the Emperor *Antoninus* [7], not daring to take away theſe Privileges openly from the People of *Rome*, began to do it by a cunning Trick of State, from all the Subjects of the Empire, by giving the Freedom of *Roman* Citizens to all the Provinces [8], in making all their Inhabitants *Romans*, in putting them all upon a common Footing; and, as St. *Auguſtine* ſaid, very much to the Purpoſe [9], *Ac ſi eſſet omnium quod erat ante paucorum*, which *Rutilius Numatianus* explains ſo well in theſe his Verſes [10].

AND a long time after, *Juſtinian* avowedly aboliſh'd that Difference betwixt the Lands of *Italy* and thoſe of the Provinces; and in order to cancel all the Veſtiges and Footſteps of Popular Liberty, at laſt he ſaid, that the *Jus Quiritium* was an empty Name without Foundation [11]. And he really took away all the Effect of it, when he aboliſh'd the Difference *rerum Mancipi, & nec Mancipi* [12], and decreed, That every Man was Maſter, and had the Diſpoſing of his own Goods. Thus on the one Hand, the *Romans* were diveſted of their Privileges; and on the other, the People of the Provinces to whom the Freedom of *Rome* was granted, gain'd nothing by it; foraſmuch as by Degrees, the being reputed a *Roman* Citizen, became at laſt to be only a bare and vain Title of Honour; ſince by it they were not exempted from paying Toll and Tribute, as St. *Auguſtine* himſelf writeth [13]: *Numquid enim illorum agri tributa non ſolvunt?* So at the Time when their Empire was far gone in its Decay, the Condition of the People of the Provinces was become ſo low and ſervile, that being no longer able to endure their Bondage, and the Tyranny of the *Roman* Officers, they went over willingly to the *Goths* and other foreign Nations. *Salvianus*, [14] a Writer of theſe laſt Times, who flouriſh'd in the Reign of the Emperor *Anaſtaſius*, reports, That the People of the Provinces went over frequently to the *Goths*, neither did they repent them of it, chooſing rather, under a kind of Captivity, to live Free, than under that ſpecious Name of Liberty, to be in reality Slaves; ſo that he ſubjoins, *Nomen Civium Romanorum aliquando non*

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[1] Ulpian. in L. Ager. D. de verb. oblig.

[2] Alteſerra rer. Aquit. lib. 3. cap. 1.

[3] Dio lib. 41.

[4] Alteſerra loc. cit.

[5] Plin. lib. 3. cap. 3

[6] Pauſanias in Achaicis.

[7] Roma D. ad Mun.

[8] L. in Orbe 17. D. de Statu hom.

[9] Auguſtin. lib. 5. de Civitat. Dei, cap. 17. & in Pſalm 58.

[10] Rutil. lib. 1. itiner.

Feciſti patriam diverſis gentibus unam.
Profuit injuſtis te dominante, capi,
Dumq; offers victis proprii conſortia juris,
Urbem feciſti, quod prius Orbis erat.

[11] Juſtinian. in L. unic. C. de jure Quirit. tol.

[12] L. unic. C. de uſucap. & ſublata differentia rer. mancipi, & nec mancipi.

[13] Auguſt. loc. cit.

[14] Salvian. lib. 5. de Gubernat.

ſolum magno æſtimatum, ſed magno emptum, nunc ultro repudiatur, ac fugitur; nec vile tantum, ſed etiam abominabile pene habetur. And *Oroſius* [1] and *Iſidorus* likewiſe teſtify, that they choſe rather to live poor among the *Goths*, than rich among the *Romans*, and bear the heavy Yoke of paying Tribute: Of which we ſhall have occaſion in another Place to diſcourſe more at large.

SUCH, and ſo changeable were the Conditions of the Cities of *Italy*, and of the Provinces of the *Roman* Empire; but what Form of Polity, and what Diviſions the Empire underwent until the Reign of *Conſtantine the Great*, for the better Underſtanding of what is to follow, 'tis neceſſary we ſhould briefly treat of here.

CHAP. III.

Of the Diſpoſition of the Empire under AUGUSTUS.

ALL Writers agree, That the *Roman* Empire, from its Beginning to its Decay, had four Diviſions, and four Aſpects and Forms of a Commonwealth, which were owing to as many Authors. We ſhall ſay nothing of the firſt, which had *Romulus* for its Author, as not conducing any way to the preſent Hiſtory, and too remote from us: But of the Second eſtabliſh'd by *Auguſtus*, and of the Third which acknowledges *Adrian* for its Author, 'tis neceſſary we ſhould treat here ſuccinctly; without the Knowledge of which the Fourth could not be well underſtood, which being introduc'd by *Conſtantine*, was afterwards re-eſtabliſh'd by *Theodoſius the Younger*, of which, in the Second Book, as being its Place, we ſhall treat.

ALL theſe Countries, which in the Space of 500 Years, were ſubjected to the People of *Rome*, paſs'd under the general Name of *Italy*. But that had different Extents, and various Bounds; ſince formerly its Confines were the River *Eſo* from the Upper Sea, and the River *Macro* from the Lower; but after the *Galli Senones* were ſubdu'd, it reach'd to the *Rubicon*; and at laſt, having all *Gallia Ciſalpina* added to it, the Roots of the *Alps* became its Borders; ſo that its Limits towards the Upper Sea were *Iſtria*, the Caſtle of *Pola*, and the River *Arſia*: And towards the Lower, the River *Varo* which divides *Gallia Narbonenſis* from the *Ligures*, and for inland Boundary it had the Roots of the *Alps*.

ITALY, according to this Extent, was divided by *Cæſar Auguſtus* into eleven *Regiones* [2], the Firſt of which comprehended the old and new *Latium* and *Campania*, the II. the *Picentini*; the III. the *Lucani*, the *Brutii*, the *Salentini*, and the *Puglieſi*; the IV. the *Ferentani*, the *Marrucini*, the *Peligni*, the *Marſi*, the *Veſtini*, the *Sannites*, and the *Sabini*; the V. *Picenum*; the VI. *Umbria*; the VII. *Hetruria*; the VIII. *Gallia Ciſpadana*; the IX. *Liguria*; the X. *Venetia*, *Carni*, *Japygia*, and *Iſtria*; and the XI. *Gallia Tranſpadana*. Theſe *Regiones*, as we have ſaid above, were govern'd by the *Romans* according to the various Conditions of their Cities, and receiv'd the *Roman* Laws, and were never divided into Provinces.

THOSE Places, and thoſe large Countries, *Italy* being ſubdu'd, which, by its Aſſiſtance the People of *Rome* conquer'd afterwards, were divided into Provinces. The firſt were *Sicily*, *Sardinia*, and *Corſica*; whence it came, that *Sicily*, according to this Deſcription of the Empire, was reckon'd a Province out of *Italy*; whence *Dio* wrote, that *Auguſtus* having made an Edict, that the Senators were not to go out of *Italy* without the Licence of *Cæſar*, excepting to *Sicily*, or the Province of *Narbonne*; therefore it was neceſſary to except theſe two Provinces in the Edict, becauſe otherwiſe they would have been comprehended in it. Afterwards *Spain*, *Aſia*, *Etolia*, *Macedonia*, *Illyricum*, *Dalmatia*, *Africa*, *Achaia*, *Grecia*, *Gallia Narbonenſis*, the *Balearian Iſlands*, *Thracia*, *Numidia*, *Cyrenaica*, *Cilicia*, *Bythinia*, *Creta*, *Pontus*, *Aſſyria*, *Cyprus*, and *Gallia Tranſalpina* were added.

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[1] Oroſius, lib. 7. cap. 28. Iſidorus in Chronic. Æra 447.

[2] Plin. lib. 3. cap. 5. Camill. Pellegrin. in Campania diſc. 1. num. 7.

IN the Time of the Free Republick, the Government of theſe Provinces was regularly given to *Præſides*, who were ſent to them from *Rome*. There were likewiſe *Provinciæ Conſulares*, which were govern'd by Conſuls or Proconſuls; theſe under *Pompey* and *Cæſar*, were *Spain*, the *Galliæ*, *Illyricum*, and *Dalmatia*; and *Cilicia* and *Syria*, were under *Cicero* and *Bibulus* Proconſuls. Others were *Prætoriæ*, to wit, I. *Sicilia*, II. *Sardinia* and *Corſica*, III. *Africa* and *Numidia*, IV. *Macedonia*, *Achaia* and *Græcia*, V. *Aſia*, *Lydia*, *Caria*, *Ionia* and *Myſia*, VI. *Pontus* and *Bythinia*, VII. *Creta*, and VIII. *Cyprus*.

THERE were afterwards other Provinces added to the Empire by the *Cæſars*, theſe were *Mauritania*, *Pannonia*, *Meſia*, *Africa*, the Eaſtern Provinces, *Cappadocia*, *Britannia*, *Armenia*, *Meſopotamia*, *Aſſyria*, *Arabia*, and others; which Provinces were by *Auguſtus* made, ſome *Proconſular*, others *Præſidial*. The moſt peaceable and quiet Provinces, which could be govern'd without Force, and only by Command, he gave the Charge and Care of them to the Senate, who ſent *Proconſuls* to them. The more Barbarous and Turbulent, which could not be kept in Awe without military Force, he reſerv'd to himſelf, and to theſe he ſent *Præſides*. Such in ſhort was the State of the *Roman* Empire under *Auguſtus*.

CHAP. IV.

Of the Diſpoſition and Polity of the Regiones, *which at preſent compoſe the Kingdom of* Naples; *and the Condition of their* CITIES.

THIS Part of *Italy* then, which we now call the Kingdom of *Naples*, was not divided into Provinces, as 'twas afterwards in the Reign of *Adrian*. It was divided into *Regiones*, which took their Names from, or gave them to, the different People who inhabited them. It comprehended the *Campani*, the *Marrucini*, the *Peligni*, the *Veſtini*, the *Precutii*, the *Marſi*, the *Samnites*, the *Hirpini*, the *Picentini*, the *Lucani*, the *Brutii*, the *Salentini*, the *Japygi*, and the *Puglieſi*.

EACH of theſe *Regiones* had Cities beautiful and famous in themſelves, which according to their various Conditions were govern'd by the *Romans*, and their Laws. Some of them were *Municipia*, which beſides the *Roman*, retain'd their own and municipal Laws. Of this Condition in *Campania*, were *Fundi* and *Formia*, which afterwards by the *Triumviri*, were made *Coloniæ*; *Cuma* and *Acerra* were likewiſe made *Coloniæ* by *Auguſtus*; *Seſſa* and *Atella* were alſo chang'd into *Coloniæ* by the ſame Prince: And in like manner was *Bari* in *Puglia*, and many other Cities ſituated in the other *Regiones*.

BUT the *Coloniæ* were more numerous in theſe our Provinces, which from time to time, both under the Free Commonwealth, and likewiſe under the Emperors, were ſucceſſively increas'd.

THE *Coloniæ* in *Campania* were *Calvi*, *Seſſa*, [a] *Sinueſſa*, *Pozzuolo*, *Vulturnum*, *Linternum*, *Nola*, *Sueſſula*, *Pompei*, *Capua*, *Caſilinum*, *Calatia*, *Aquaviva*, *Acerra*,

[a] The Caſtle of Montdragone.

Formia, *Atella*, *Teanum*, *Abella*, and afterwards our *Naples* alſo, which from *Fœderata* was made *Colonia*.

IN *Lucania*, *Peſto*, *Buxentum*, *Conza*, and others were alſo *Coloniæ*. And in *Samnium*, *Saticula* [1], *Caſino*, *Iſernia*, *Bojanum*, *Teleſe*, *Samnium*, *Venafrum*, *Sepino*, *Avellino*, and others were the ſame.

IN *Puglia*, *Sipontum*, *Venoſa*, *Lucera*, from *Fœderatæ* were converted into *Coloniæ* likewiſe; and to paſs over others, *Beneventum*, which in the Reign of *Auguſtus*, as *Pliny* reports [2], did not belong to *Campania*, as it did afterwards, but to *Puglia* [3].

BRUNDUSIUM, *Lupia* and *Otranto* among the *Salentini* were likewiſe *Coloniæ*. *Valentia*, *Tempſa*, *Beſidia*, *Rheggium*, *Crotone*, *Mamerto*, *Caſſano*, *Locri*, *Petelia*, *Squillace*, *Ruſcia*, and *Turio* among the *Brutii* [4], ſome of which, although formerly they enjoy'd the Benefit of *Fœderatæ* were afterwards turn'd into *Coloniæ*; and in like manner, *Nocera* and other Cities among the *Picentini*; and ſome others ſituated in the other *Regiones*, which we need not mention.

IN all theſe Cities they liv'd according to the Cuſtoms, Laws and Inſtitutions of *Rome* itſelf. In Imitation of the Senate, People and Conſuls, they had their *Decuriones*, *Plebeii*, and *Duumviri*. They had likewiſe their *Ediles*, *Quæſtores*, and other leſſer Magiſtrates every way like thoſe of *Rome*, of which they were ſmall Reſemblances and Images: Whence they made uſe of the Titles of *Ordo*, or *Senatus Populuſque* [5]; therefore we ſee upon ſome Marbles dug from under Ground, and which in ſpite of devouring Time have remain'd intire, that they us'd theſe Titles indifferently. Many of which are to be ſeen in that admirable and laborious Work of *Gruterus* [6]; where, among others, we read many Inſcriptions of the People of *Nola* inſcrib'd to ſome of their Benefactors, all of them ending, *S. P. Q. Nolanorum.* Likewiſe the *Segnini* in *Latium*, inſcrib'd a Marble to a certain *Volumnius*, thus [7],

L. VOLUMNIO
L. F. POMP.
JULIANO. SEVERO
IIII. VIRO. COL. SIGN.
PATRONO. COLONIÆ SUAE
S. P. Q. SIGNINUS.

And *Minturnum* erected another to a certain *Flavius* [8].

M. FLAVIO POSTV.
C. V. PATR. COL.
ORDO. ET. POPV.
MINTVRNEN.

THERE were likewiſe *Præfecturæ* in theſe our *Regiones*. There were in *Italy*, according to *Pompeius Feſtus* Twenty-two *Præfecturæ*, to ten Cities, all of them in this Kingdom, to wit, *Capua*, *Cuma*, *Caſilinum*, *Vulturnum*, *Linternum*, *Pozzuolo*, *Acerra*, *Sueſſola*, *Atella*, *Calatia*, to which were ſent ten *Præfecti* appointed by the People of *Rome*, to whom the Government and Adminiſtration of them were committed. To twelve others the *Præfecti* were ſent by the *Prætor Urbanus*, and were appointed as he thought fit. Theſe are *Fundi*, *Formia*, *Cere*, *Venafrum*, *Alifa*, and *Arpinum*, all in this Kingdom; *Anagni*, *Piperno*, *Fruſilone*, *Rieti*, *Saturnia*, *Nurcia*, in other *Regiones* of *Italy*.

THE Conditions of theſe *Præfecturæ*, as we have ſaid, were the moſt hard; they could not have their own Laws as the *Municipia*; they could not chooſe their Magiſtrates out of their own Body, as the *Coloniæ* did; but they were ſent them from *Rome*. They were under the *Roman* Laws, and ſuch Conditions as the *Roman* Magiſtrates were pleas'd to impoſe upon them.

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[1] Policaſtro in Samnium, of which there's no Veſtige remaining.

[2] Plin. lib. 3. cap. 5.

[3] Camill. Pelleg. Camp. diſc. 1. num. 7.

[4] Lupia, la Rocca. Valentia, Bivona, Tempſa, Malvito. Beſidia, Biſignano. Mamerto, Martorano. Locri, Girace. Petila, Policaſtro. Ruſcia, Roſſano. Turio, Terranova.

[5] Sigon. de Antiq. jur. Ital. lib. 2. cap. 4.

[6] Gruterus Inſcriptiones antiquæ totius orbis Romani, pag. 463.

[7] Grutter. pag. 490.

[8] Grutter. pag. 411.

THERE were not wanting, in theſe *Regiones* which now make this our Kingdom, *Civitates fœderatæ*. Theſe, excepting the Tribute, which by the League and Conſederacy enter'd into with the *Romans*, they paid them, were reckon'd in all other Things intirely Free: They had their own Form of Republick; enjoy'd their own Laws; made their Magiſtrates; and often us'd the Title of Senate and People. In ſuch a State was our City of *Naples* for a long time, ſo were the *Tarentini*, the *Locreſi*, the *Rheggini* [1], and for ſome time the *Lucerini* [2], the *Capuani*, and ſome others of the *Greek* Cities which were in *Italy*; and ſuch were *Naples*, *Tarentum*, *Locri* and *Rheggium*, which for a long time not only did not differ from the *Greeks* in their Laws, their Manners and Dreſs, but alſo as little in their Language. Theſe Cities were treated by the *Romans* very favourably, and reputed rather Friendly and Confederated than Conquer'd: excepting the Tribute agreed upon which they exacted as a Token of the Confederacy, they left them at their Liberty; ſo much, as if theſe Cities had been without the Bounds of the Empire, it was allow'd to thoſe who were baniſh'd from *Rome* to live in them [3].

SECT. I.

Of NAPLES, *now the Head and Metropolis of the Kingdom.*

NAPLES, although a ſmall City, retain'd all theſe noble Prerogatives. It had its own Polity, its own Magiſtrates, and its own Laws. But what theſe were, as *Sigonius* [4] well ſays of other confederated Cities, 'tis a very difficult Task to go a groping after them amongſt ſo much Antiquity and Darkneſs. 'Tis but reaſonable to believe, that it being a *Greek* City, was govern'd in the Beginning by the ſame Form of a Republick, and the ſame Laws with *Athens*. It had its *Archontes* and *Demarchi*, which were Magiſtrates in every Thing like unto thoſe of *Athens*. At firſt the Authority of the *Archontes* laſted only for one Year, as that of the Conſuls in *Rome*; afterwards it was prolong'd to the tenth Year. They were of the *Senatorian* and *Equeſtrian* Order. And as the *Roman* Tribunes belong'd to the People, ſo did the *Demarchi*: Whence our moſt accurate Writers [5], not without Reaſon, carry back the Diviſion which at this very Time we ſee between the Nobles and the People, to thoſe moſt ancient Times. Another conjecture likewiſe would perſuade us to believe it to be true, which is, That this being a *Greek* City, and ſo call'd by ancient Writers with a Speciality, as *Janus Douſa* demonſtrates [6], from that Place in *Tacitus* [7], where writing of *Nero*, *Neapolim quaſi Græcam Urbem delegit*. It likewiſe had its *Curiæ* like *Athens*, which the *Neapolitans* by a *Greek* Expreſſion call'd *Phratriæ*.

IT was a ſolemn Inſtitution of the *Greeks* to divide the Citizens into many Bodies, which they call'd *Philæ*; and thoſe they divided into ſmaller Bodies, which were call'd *Phratriæ*. So in *Athens* the People was divided into *Philæ*, and theſe into *Phratriæ*; juſt after the ſame manner the *Romans* of Old were divided into *Tribus*, and theſe into *Curiæ*. But it was not ſo in all the *Greek* Cities; ſome had only *Philæ*, others *Phratriæ*: Whence the Grammarians take the one for the other, and give the ſame Power to the one Word, as to the other. The *Neapolitans* certainly were diſtributed into *Phratriæ*, and not into *Philæ*.

Theſe *Phratriæ* or *Curiæ*, were nothing elſe but Brotherhoods or Bodies into which they inroll'd themſelves and united, not only thoſe who were akin, or Brethren of the ſame Family, but many together of the ſame Street or Quarter: And at moſt the *Phratria* was made up of thirty Families. The Place were they met was an Edifice, in which, beſides the Porches and the Chambers, they erected a private Temple, which they dedicated to ſome of their particular Gods or Heroes; and by the Deity to whom they dedicated the Brotherhood, the *Phratriæ* were diſtinguiſh'd from one another. In this Place they celebrated their private Sacrifices, Feaſts,

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[1] Cic. pro Corn. Balbo.

[2] Livy calls the Lucerini, Bonos, ac fideles Socios.

[3] Polyb. lib. 6.

[4] Sigon. de Antiq. jure Italiæ.

[5] Tutin. of the Origin of the Seggi

[6] Lib. 2. Præcican. in Petron. Arbit. cap. 2.

[7] Tacit. 15. Amal. 33.

Banquets, and other holy Things, according to the Rites and diſtinct Ceremonies, peculiar to, and fitting the God or Hero to whom the Temple was dedicated. They had their Prieſts, who were choſen by Lots out of this or that Family; and ſince the *Phratriæ* conſiſted of thirty Families, the Prieſts were choſen out of each by Lot. They conven'd here with the Chief Men of the Precinct, where they not only treated of ſacred Things, ſuch as Sacrifices and Banquets, but likewiſe of the Publick Affairs of the City, whence they alſo took the Name of Colleges.

THERE were many of theſe Fraternities dedicated to their particular Gods. Amongſt the *Neapolitan* Gods, the moſt renown'd and great were *Eumelus* and *Ebo*; whence that *Phratria* that worſhipp'd the God *Eumelus*, was call'd *Fratria Eumelidarum.* So that which was dedicated to *Ebo*, was nam'd *Phratria Heboniontorum.* Amongſt the Tutular Gods which *Statius* reckon'd, *Naples* had likewiſe *Caſtor* and *Pollux*, and *Ceres*; to whom many Temples were erected by the *Neapolitans*, of which there are ſome Veſtiges remaining to this Day; whence the *Phratria* dedicated to theſe Deities, was call'd *Phratria Caſtorum*; meaning by that Plural Number, as well *Caſtor* as *Pollux.* So the *Spartans* meant when they ſwore *per Caſtores*; and that dedicated to *Ceres*, was call'd *Phratria Cerealenſium.* They had alſo another dedicated to *Diana*, call'd *Phratria Artemiſiorum*, for amongſt the *Greeks* *Artemiſia* was call'd the Goddeſs *Diana* [1]. Not only to the Gods, but likewiſe to the Heroes did the *Greeks* dedicate their *Phratriæ*; ſo in like manner *Naples*, beſides thoſe which it dedicated to its Tutular Gods, alſo had ſome conſecrated to the Heroes, one of which was dedicated to *Ariſteus*, therefore it was *Phratria Ariſtæorum.* *Ariſteus* was the Son of *Apollo*, and reign'd in *Arcadia*: He was commended for having been the firſt Inventor of the Uſe of Honey, Oyl and Rennett: He was not eſteem'd a God, only a Hero. *Peter Laſena* had promiſ'd us a complete Treatiſe of the *Phratriæ* of *Naples*, but his untimely Death, as it robb'd us of a great many of his other excellent Works, which he had not brought to Perfection, ſo it likewiſe depriv'd us of this. From ſuch *Phratriæ*, as *Tutinus* has alſo told us [2], in which the Chief and moſt Noble of the Precinct join'd, not purely for ſacred Functions, but likewiſe in order to conſult about Publick Affairs, have the *Sedilia* of the Nobles had their Origin in *Naples*, which in the ancient Monuments of this City, were by our Forefathers call'd *Tocchi*, or *Tocci*, from the *Greek* Word θῶκος, which the *Latins* call *Sedile*, and we now call them *Seggi*, of which in a more convenient Place we ſhall have occaſion to ſpeak more amply.

THESE *Greek* Inſtitutions were long kept up in *Naples*; and *Strabo*, who flouriſh'd under *Auguſtus*, witneſſeth, That in his Time there were remaining many Veſtiges of the Rites, Cuſtoms and Inſtitutions of the *Greeks* there, ſuch as the Academy, of which *Peter Laſena* [3] hath fully and moſt accurately written; the Aſſemblies of the Youth, and theſe Fraternities which they call'd *Phratriæ*, and a hundred other Cuſtoms: *Plurima*, ſays he [4], *Græcorum inſtitutorum ibi ſuperſunt Veſtigia, ut Gymnaſia, Epheborum Cœtus, Curiæ (ipſi Phratrias vocant) & Græca nomina Romanis impoſita*; and *Varro* [5] who was Contemporary with *Cicero*, likewiſe reports the ſame: *Phratria eſt Græcum vocabulum partis hominum, ut Neapoli etiam nunc.*

HOWEVER, 'tis true, this City by Degrees left off theſe *Greek* Cuſtoms, and having been long a *Civitas fœderata* of the *Romans*, and afterwards reduc'd to a *Colonia*, becoming daily more ſubject to the *Romans*, began to diſuſe the Names of its ancient Magiſtrates, ſuch as *Archontes* and *Demarchi*, which were in uſe till the Reign of *Adrian*; ſince *Spartianus* [6] reports, ſpeaking of that Emperor, who was *Demarchus* in *Naples*, that it was the Cuſtom of ſome of the *Roman* Emperors, when they had a mind to ſhew Reſpect to any City, for which they had a Friendſhip, when they were in them, to accept of the Titles and Honours of the municipal Magiſtrates [7]. But afterwards, in proceſs of Time, leaving off the *Greek* Inſtitutions, and being made a *Roman* Colony, it imitated *Rome* in every Thing, by making uſe of the Titles of Senate, People and Commonwealth; and of leſſer Magiſtrates, ſuch as *Ediles*, *Quæſtores*, and other Officers of that City, after the ſame manner as all the other *Roman* Colonies did, as we ſhall ſhew by and by.

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[1] Ant. Aug. Dialog. 5. cap. 56.

[2] Tutin. dell'orig. de Seggi, cap. 7.

[3] P. Laſena del Ginnaſio Neapolitano.

[4] Strabo Geogr. lib. 5.

[5] Varro lib. 4. de ling. Lat. cap. 15. Joſ. Scalig. in Var. de ling. Lat. eod. Loc. num. 23.

[6] Spartian. in vita Adriani apud Neapolim Dimarchus.

[7] P. Laſena del Ginnaſio Nap. cap. 4. pag. 74.

THERE are ſome [1] who believe that theſe Inſtitutions, and ſome of the moſt ancient Laws, notwithſtanding the Courſe of ſo many Ages, have not been quite aboliſh'd in *Naples*; but that part of them continue amongſt us as yet, and are thoſe which were recorded in the Book of the Cuſtoms of this City, which under *Charles* II. of *Anjou*, were committed to Writing; which Cuſtoms (without doubt very ancient) take their Origin from thoſe, of which, altho' the Voracity of Time hath depriv'd us, yet there are left with the Citizens, by Tradition, theſe Inſtitutions and Cuſtoms, that neither Length of Time, nor the ſo many Revolutions of worldly Things, have been able to cancel: but that Point ſhall be more narrowly examin'd into, when we come to diſcourſe of the Compiling of that Book.

LOOKING upon this City then as a Confederate of the *Romans*, it cannot be deny'd, but that both before and after the Reign of *Auguſtus*, excepting the Tribute it paid to the *Romans*, it was treated very favourably by them, and left at its Freedom, in preſerving the Form of a Republick, and eſteem'd rather a friendly than a ſubjected City. What *Cicero* [2] ſupplieth us with, is a clear Argument of its Liberty, ſince he ſays, That by the *Julian* Law, the Franchiſes of the City of *Rome* being granted to *Italy*, there was a great Debate, and very different Sentiments amongſt the People of *Heraclea* and our *Neapolitans*, whether they ſhould accept or refuſe that Favour ſo earneſtly long'd for by all the other People of *Italy*; at laſt thinking it more for their Advantage to continue in their ancient Liberty, than, for the Honour of that Privilege, to ſubject themſelves to the *Romans*, they preferr'd their own Liberty to the Freedom of *Roman* Citizens. In ſhort, excepting the Tribute, which, in Token of its Dependance, was paid to the *Romans*, in all other Things it was intirely free, as alſo all the other *Civitates Fœderatæ* were, and they look'd upon themſelves as out of the *Roman* Empire; inſomuch, that we have ſeen, the *Roman* Exiles could fulfil the Sentence of Baniſhment in them [3].

BUT what Tribute *Naples* was ſubject to, as well as *Tarentum*, *Locri*, and *Reggium*, likewiſe confederated Cities, two grave Authors have demonſtrated, to wit, *Polybius* and *Livy*. Their Duty it was to furniſh Ships in Time of War: Theſe being Maritime Cities abounded in Shipping, and the *Neapolitans* apply'd themſelves to Sea Affairs more than any Buſineſs, as *Peter La-ſena* obſerves [4]; whence they were bound to that in which they could be ſerviceable; ſo that to the firſt Naval War, which the *Romans* had with the *Carthaginians*, the *Neapolitans*, the *Locrians*, and the *Tarentins*, ſent fifty Ships. And *Livy* [5] introducing *Minio* anſwering the *Romans*, who were diſſwading him from the War, which, in the Name of *Antiochus*, he intended to make upon ſome *Greek* Cities, which were at their Devotion, makes him ſpeak after this manner: *Spetioſo titulo, uti vos Romani Græcarum Civitatum liberandarum, video; ſed facta veſtra orationi non conveniunt & aliud Antiocho juris ſtatuiſtis, alio ipſi utimini. Qui enim magis Smyrnæi, Lampſacenique Græci ſunt, quam Neapolitani, & Rhegini, & Tarentini, a quibus Stipendium, a quibus Naves ex fœdere exigitis?*

THE *Capuans*, as the moſt accurate *Pellegrinus* thinks [6], when their City was confederated with *Rome*, were not oblig'd to furniſh Ships, but Land Forces: becauſe that they commanded a moſt fertile Country, their Supplies were to be Horſe and Foot; and it is well known, that the *Capuans* were very numerous in the *Roman* Land Armies. But as the Infidelity of the *Capuans* to the *Romans*, brought the Ruin of their City, being reduc'd to a *Præfectura*, they were without Senate, without People, without Magiſtrates, and in a moſt pitiful Condition and Servitude [7]; ſo, on the contrary, *Naples* continuing ſtedfaſt, with great Conſtancy, in the ſame Friendſhip with the *Romans*, both in their proſperous and adverſe Fortune, and particularly during the Time of the ſecond *Carthaginian* War, when the frequent Victories which *Hannibal* obtain'd over them, had fill'd all *Italy*, and *Rome* it ſelf, with Terror and Confuſion, *Naples*, I ſay, remain'd conſtant and faithful. This City was moſt agreeable to the *Romans* on Account of the pleaſant Manners and Exerciſes of its *Grecians*, and its delightful Climate; ſo that the *Romans*, of all Degrees and Ages, as well the robuſt, as thoſe worn out with Fatigue and

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[1] Summonte, lib. 1. cap. 6.

[2] Cicer. pro Cor. Balbo.

[3] Polyb. lib. 6.

[4] Pietro La Sena, cap. 3. dell' ant. Gin. Nap.

[5] Liv. lib. 35. cap. 14.

[6] Camill. Pel. diſc. 4. num. 15.

[7] Liv. lib. 36.

Years, uſed to come here to ſolace themſelves; for which Reaſon, the *Neapolitans* were exempted from a Garriſon: on the contrary, the *Capuans*, by their Unfaithfulneſs, had always a Garriſon of *Roman* Soldiers in their City, tho' the Fear of War with their Neighbours the *Samnites* was over, which their Inconſtancy was the Occaſion of [1]. But there was no Garriſon ſent to *Naples*, not even in the dangerous Time of the aforeſaid *Carthaginian* War, but at the Deſire of the *Neapolitans* themſelves [2].

So likewiſe by their ſteady Faith, they deſerved ſo well, that none of the other Conditions of the Confederacy were diminiſh'd, by which it was allow'd to the *Roman* Exiles to live in *Naples* without any Fear; whither the treacherous *Q. Pleminius* was going for that end, when, on his Way, he was made Priſoner by *Q. Metellus* [3]. 'Tis not a ſmall Argument, that ſuch a Franchiſe was never violated, that even *Tiberius Nero* ſhelter'd himſelf in *Naples* [4]; when by the long Civil Wars, and the Factions in the *Roman* Empire, neither the publick Laws, nor any other thing was ſafe. Thus was the Fidelity of the *Neapolitans* rewarded by the *Romans*; and ſo long as the ancient Manners and Cuſtoms were preſerv'd in this City, of all the other Cities of this Country, it almoſt alone underwent no Changes, having had only *Rhegium*, *Tarentum*, and *Locri*, for Fellows [5].

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[1] Caml. Pell. loc. cit.

[2] Liv. lib. 23. P. Carac. de Sacr. Eccl. Neap. monum. cap. 6. ſect. 1.

[3] Liv. lib. 29.

[4] Sueton. lib. 3. cap. 4.

[5] P. Carac. de Sacr. Eccl. Neap. monum. cap. 6. ſect. 1.

SECT. II.

NAPLES *was not altogether a Free Republick, and independent of the* Romans.

BUT all theſe Prerogatives were free Gifts of the *Romans* as Rewards of Fidelity, and for the pleaſant Life they uſed to lead in this City [6]; not that *Naples* was altogether free from Servitude, and an independent Republick, even in deſpite, and againſt the Power of the *Romans*, as ſome out of too much Love to their native Country have ventur'd to ſay. Can any Man be perſuaded, that the victorious and triumphant *Romans*, moſt greedy of Empire, after having conquer'd, not only all *Italy*, but almoſt all the then known World, having ſubdu'd moſt powerful Kings, and moſt warlike Nations, after long Voyages both by Land and Sea, and moſt difficult Enterprizes, during the Courſe of many Ages, ſhould not have Force enough to conquer one ſingle City which was juſt in their view? It ſhews that they knew very little either of the *Roman* Hiſtory or Courage. Is it a new Thing to the *Romans*, to have given to many People and Cities, after divers Manners, their Liberty, and particularly to the *Grecian*, after having ſubdued them, and, ſometimes, after having been depriv'd of it for ſome Fault? The Books of *Appianus Alexandrinus* [7], *Livy*, *Suetonius*, *Strabo*, *Tacitus*, *Dio*, *Velleius*, the two *Plinies*, *Diodorus Siculus*, *Juſtin*, *Plutarch*, and abundance of others, are full of Examples; and, not to collect all that ſo many grave Authors have ſaid upon a Point that never was in queſtion, we may learn from what *Strabo* alone hath collected concerning the *Roman* Monarchy, as it were in an Epilogue at the End of his Books of Geography [8], that is to ſay, That amongſt the various Conditions of Kings and Provinces which have been under that Empire, there were ſtill ſome Cities free, or had remain'd ſo, for having continued in their ancient Confederacy, or having been made Free as a Reward of their Fidelity. His Words in *Latin* are theſe: *Eorum, quæ Romanis obediunt, partem Reges tenent, aliam ipſi habent, provinciæ nomine & Præfectos, & Quæſtores in eam mittunt. Sunt & nonnullæ Civitates liberæ conditionis: aliæ ab initio per amicitiam Romanis ad-*

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[6] Vitelleius, lib. 1. ſpeaking of Naples and Cuma: Utriuſque urbis exima ſemper in Romanos fides facit eas Nobilitate, atque amœnitate ſua digniſſimas.

[7] Appian. Alex. de bello Mithrid. Liv. lib. 33. cap. 45. Suet. lib. 3. c. 37. Strab. lib. 12. Tacit. An. lib. 4. & lib. 12. Dio lib. 54. Velleius lib. 2. Plin. ep. 24. lib. 8. & ep. 93. lib. 10. Plin. hiſt. lib. 4. c. 6. Diod. Sicul. lib. 5. Juſtin. lib. 33. Plutar. in vita Flam.

[8] Strabo in fine lib. Geogr.

junctæ, aliæ ab ipſis honoris gratia libertate donatæ. Sunt & principes quidam ſub eis, & Reguli, & Sacerdotes: his permiſſum eſt patria ſectari inſtituta.

THEREFORE theſe Prerogatives were their free Gifts, and as *Publius Sulpitius* the *Roman* ſays, who anſwers *Minio* upon the Fact above related; *Quæ ex fædere debent exigimus*[1]? which ſhews, that the Tribute of Ships was due to the *Romans* as a certain ſort of Servitude; ſo far were they from being oblig'd on their part to aſſiſt the *Neapolitans*, as ſome have dream'd, that they mutually contributed Ships. *Cicero*[2] gives us an Example very much to the purpoſe, of *Meſſina*, likewiſe a confederated City, that was oblig'd to furniſh one Ship, declaiming againſt *Verres* for having, by a Gift, freed it from that Tribute in the Time of his being Prætor in *Sicily*, by which he had leſſen'd the Majeſty of the Republick, and the Right of the Empire: *Pretio, atque mercede minuiſti Majeſtatem Reipublicæ; minuiſti auxilia. P. R. minuiſti copias, majorum virtute, ac ſapientia comparatas. Suſtuliſti jus imperii, conditionem ſociorum, memoriam fæderis*; adding afterwards, *Inerat neſcio quomodo in illo fædere ſocietatis, quaſi quædam nota ſervitutis.* Beſides, the *Romans* alſo often aſſumed a certain Power over the *Neapolitans*, to make up the Quarrels they had with their Neighbours, whence we read in *Valerius Maximus*[3], That the Senate ſent *Q. Fabius Labeo*, as Arbiter, to ſettle the Limits between the People of *Nola* and the *Neapolitans*, which were diſputed. In ſhort, whatever theſe Cities preſerv'd of their Franchiſes and Liberty, all was owing to the Moderation and Generoſity of the *Romans*; and, oftentimes, many Cities that abuſed theſe Favours were depriv'd of them: On the contrary, thoſe who made a right Uſe of them had greater Prerogatives and Honours beſtow'd upon them. The *Marſeillians* were alſo exempted from Tribute, and *Strabo*[4], beſides the Example of *Marſeilles*, adds that of *Neumauſium*. *Cicero*[5] ſays, That by a Decree of the Senate it was granted, that ſome other Cities, beſides *Marſeilles* and *Neumauſium*, ſhould be free from the *Roman* Juriſdiction, and exempted from all Power of any of their Magiſtrates.

SUCH being the Manner and Generoſity of the *Romans*, we may, on good Grounds, believe that moſt diligent Searcher of our Antiquities *Camillus Pellegrinus*[6], that the *Romans*, in Proceſs of Time, not only diſcharged the *Neapolitans* from the Obligation they were under to furniſh Ships, but alſo from obeying any of their Magiſtrates, as well becauſe of their conſtant Fidelity, as in Conſideration of the pleaſant Life they uſed to lead in *Naples*; whence, he ſays, it is not to be wonder'd at, that this City, which was ſo dear to them, ſhould be freed from the Tribute of Ships, when the World enjoy'd an univerſal Peace in the Reign of *Auguſtus*, and exempted from all Power of their Magiſtrates. *Cæſar* for ſome time hated the *Neapolitans*, as *Cicero* writes; perhaps it was, becauſe when *Pompey* fell grievouſly ſick in *Naples*, which happen'd in the Beginning of their Emulation, the *Neapolitans* offer'd many Sacrifices for the Recovery of his Health, and by their Example the reſt of the Cities of *Italy*, both great and ſmall, kept many Holidays[7]. But on the contrary, *Auguſtus* lov'd them dearly; and 'tis a manifeſt Argument of his having given them ſome ſignal Privilege, that they, in Honour of him, dedicated and celebrated a noble Game of Wreſtling, at which he deſir'd to be preſent[8]. His *Livia*, whom he convey'd thither in their greateſt Danger, found ſhelter there, from her firſt Husband *Tiberius*[9]: As alſo his darling *Virgil*, whom the *Neapolitans* ſtrove ſo much to pleaſe[10]; ſo that all theſe Things were pleaſing Allurements to gain his Affection: whence it is attributed to *Auguſtus*, that he added to the Prerogatives of this City, and freed it from the Tribute of Ships, and the Power of any *Roman* Magiſtrate: Upon which Account[11], ſome, upon the falſe Belief that *Naples* was become altogether Chriſtian, from St. *Peter* the Apoſtle's firſt preaching there, when coming from *Antioch* to *Rome*, he ordain'd the firſt Biſhop *Aſprenus*, have ſtifly maintain'd, that there were no Chriſtian Martyrs in *Naples*, as not being ſubject to any *Gentile* Prince, therefore ſuch Butchery wou'd not have been ſuffer'd: But how falſe that is, hath been ſhewn by *Peter La Sena*[1], and at length demonſtrated by *P. Caracciolus*[2], and ſhall be examin'd by us when we come to treat of the Eccleſiaſtical Polity of theſe Countries.

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[1] Liv. lib. 35.

[2] Cic. lib. 5. in Verrem.

[3] Val. Max. lib. 7. cap. 3. Cic. lib. 1.

[4] Strabo Geogr. lib. 4.

[5] Cic. in orat. de prov. conſul.

[6] Camil. Pel. in Camp. diſ. 4. num. 15.

[7] Plut. in vita Pomp.

[8] Velleius, lib. 2.

[9] Sueton. in Tiberio, cap. 4.

[10] Virg. 4. Georg. in fine. Silvius Italicus, lib. 12.

[11] Franc. de Pietri, lib. 1. cap. 5. Hiſt. Napol.

THESE noble Prerogatives, and agreeable Conditions, continu'd in *Naples* for a long time under the Succeſſors of *Auguſtus*. But as ſoon as the *Neapolitans*, by degrees, began to diſuſe their native Cuſtoms, and *Grecian* Manners, and to make Uſe of thoſe of the *Romans*, and at laſt to imitate them in all their Proceedings; their City put on a new Countenance, and a new Form of Republick appeared. *Fulvius*[3] *Urſinus* believ'd, that *Naples* was reduc'd to a Colony, with the other Cities of *Italy*, by *Auguſtus*; but by what hath been already ſaid, and what *P. Caracciolus* hath written[4] againſt the Opinion of that Author, it is evident, that it was not by *Auguſtus*, but afterwards by *Titus* or *Veſpaſianus*, that *Naples* was reduc'd to a Colony. However that may be, it was not by being made a Colony, that it loſt that Liberty and Polity as to its Magiſtrates, that it had at firſt, not being, as *Capua* was, from a confederated City converted into a *Præfectura*. As a *Latin* Colony it kept the ſame Inſtitution of making Magiſtrates out of its own Body[5], and had no *Præfecti* ſent from *Rome* to govern it: It had yet its Senate, and its People; had Cenſors, Ediles, and other Magiſtrates as *Rome* had; was allow'd to make Uſe of the Title of Senate, of People, and Republick; and we read upon many Marbles, *S. P. Q. N.* and amongſt the reſt, thoſe tranſcrib'd by *Gruterus*[6], which the *Neapolitans* inſcribed to a certain *Galba Bebius*, Cenſor of the Republick:

S. P. Q. NEAPOLITANUS
D. D. L. ABRUNTIO. L. F.
GAL. BAEB. CENSORI
REIPU. NEAP.

And this other,

S. P. Q. NEAPOLITANUS
L. BÆBIO. L. F. GAL.
COMINIO PATRONO COLONIAE.

Which Title of *Senatus* they changed afterwards into *Ordo*, whence we read on many Marbles *O. P. Q. N.* changing regularly theſe Titles, as may be obſerved, indifferently on other Marbles of other Colonies.

NEITHER was it called a Colony, becauſe then there would have been new Inhabitants ſent to it from *Rome*, or ſome other Places; but the Old continued, and the Laws of *Latium* were in uſe, as in all other *Latin* Colonies, which were adorn'd with the Franchiſes of *Rome*, and many other Prerogatives, for which Reaſons, to diſtinguiſh it from other Colonies, it kept its paternal and municipal Laws, without in the leaſt being dependent upon, or govern'd by the *Roman* Laws alone; which municipal Laws, and many *Grecian* Rites, it never loſt: the Veſtiges of ſome of them it retains to this Day.

'TIS a great Error in thoſe who think that *Naples* was altogether free, and independent upon the *Roman* Empire, only becauſe they find the Title of the *Neapolitan* Republick in more than one antient Inſcription, and in more than one ancient Author; not having obſerv'd, that in the Time of *Adrian*, much more in that of *Conſtantine the Great*, and other Emperors his Succeſſors, it was a City, like many others, under the Government of the Conſuls of *Campania*, as we ſhall preſently demonſtrate.

And much greater was the Error of thoſe, who believ'd that down to the Time of *Roger*, the firſt *Norman* King, *Naples* was in no manner ſubject to the *Roman* Emperors, nor after them to the *Gothiſh* Kings of *Italy*, and much leſs to the *Eaſtern* Emperors, ſo that *Alexander* Abbot of *Teleſinum* [1], in his *Norman* Hiſtory ſpeaking of *Naples* conquer'd by *Roger*, being poſſeſs'd with this Error, could not forbear ſaying, that this City, which *vix unquam a quoquam ſubdita fuit, nunc vero Rogerio, ſolo verbo præmiſſo, ſubmittitur*; foraſmuch as it was not becauſe *Naples* was originally a *Grecian* City, that it was ſo kindly us'd by the *Romans* as to have the Honour of being a confederated one; neither becauſe after it became a *Latin* Colony, and preſerv'd the ſame ancient Appearance of a Republick, in having Power of chuſing its Magiſtrates out of its own Body, and retaining its own Laws, and not being oppreſs'd with ſevere Uſage, as other *Præfecturæ* were; it could not be ſaid to be exempted from the *Roman* Empire, and much leſs from that of the *Goths* and Emperors of *Greece*; ſeeing it was certainly ſubjected to them, not only by Force of Arms, but by ancient Subjection, it came, with the reſt of *Italy*, under their Power, and obey'd them, as we ſhall make appear in the Proſecution of this Hiſtory; and if ſome Writers give it the Title of Republick, it was becauſe it kept up that Form of Government, which was neither forbidden by the *Romans* nor *Goths*.

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[1] P. La Sena Gim. Nap. cap. 6. p. 104.

[2] Carac. de ſacr. Eccleſ. Neapolitan. mon. cap. 10.

[3] Ful. Urſin. de nummis.

[4] Carac. de ſacr. Eccl. Nep. monum. cap. 6. ſect. 1.

[5] Camil. Pereg. caſtig. in falc. Benevent. A. 1140.

[6] Grut. inſcript. tot. orbis, fol. 366.

[7] Camil. Per. in Caſtig. ad Falc. Benev. ad Ann. 1140.

NEITHER ought theſe Authors to harp upon that word *Republica* ſo much, ſince, in the *Latin* Language, it ſignifies the Community, not the Dignity of publick Things; and often it is us'd to denote ſome Form of Adminiſtration or publick Government; even in the *Præfecturæ* alſo, which were deprived of all publick Council: *Erat*, as *Feſtus* ſays [2], *quædam earum Reſp. neque tamen Magiſtratus ſuos habebant*; at that rate, *Capua*, *Teanum*, and *Atella*, were Republicks in the Time of *Seneca* [3]: The ſame might be alſo ſaid of *Nola*, *Minturnum*, *Segna*, and many other Colonies, that were call'd Republicks, and which inſcrib'd likewiſe upon their Marbles theſe Letters, *S. P. Q.* each of them a Cubit in length; and in latter Times, there are, in good Authors, a thouſand ſuch Inſtances, of which the *Theodoſian* Code gives us a Multitude [4].

MUCH leſs ought they to fall into that Error, by taking their Argument from the Dominion which *Naples* had over the Iſland of *Caprea*, and afterwards over that of *Iſchia*, which it chang'd for the other to pleaſe *Tiberius* [5]; ſince as the moſt accurate *Pellegrinus* anſwereth them [6], without their going far, they might have obſerv'd, that *Capua* likewiſe, while it was a Colony, poſſeſs'd the Country of *Gnoſia* in the Iſland of *Crete*: and if that Argument, of *Naples* having had the Dominion of that Iſland, was ſufficient to make it a free Republick, it ought not to be doubted, but that it continued to have the ſame Prerogative many Ages after, under the *Goths*, the Emperors of the *Eaſt*, and other Princes; ſince it ſtill kept the Dominion over its neighbouring Iſlands, even to the Days of *Gregory the Great* [7]; and later alſo, in the Time of the Pontificate of *Benedict* VIII. and likewiſe in Times leſs remote from us, in which it would be Folly to believe, that *Naples* was a free Republick, and independent of any Government whatſoever.

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[1] Alex. Teleſ. lib. 2. cap. 12 & 6.

[2] Feſt. v. Præfecturæ.

[3] Seneca de Benef. lib. 7. cap. 4.

[4] Cod. Th. tit. de Reip. & de locat. fund. juris emph. & Rep.

[5] Sueton. lib. 2. cap. 29. Strabo lib. 5. Dion. lib. 52.

[6] Camil. Pel. in Cam. Diſc. 4. Num. 15.

[7] Gregor. lib. 3. ep. 53. indit. 3.

SECT. III.

Of other famous Cities in theſe Countries.

THIS, in ſhort, is the Aſpect and Polity which the *Regiones* that compoſe the Kingdom of *Naples*, had, in the Ages we are treating of. It was not then divided into Provinces, as afterwards, but *Regiones*; each of which had Cities, which were govern'd according to their Conditions, either as municipal Colonies, Prefectures, or confederated Cities. They generally had the *Roman* Laws, which, for their Excellency, were, in the Eſteem of all Nations, moſt Juſt, moſt Wiſe, and moſt Uſeful to human Society; only we muſt obſerve, that the municipal and confederated Cities, could uſe their own and the municipal Laws; but when theſe fail'd, they had recourſe to the *Roman*, as the Fountain of all divine and human Laws. The Government was according to the Condition of each City; many were govern'd by Prefects ſent from *Rome*; many more by Magiſtrates, who were allow'd to be choſen out of their own Body; and almoſt all of them ſtudied to imitate the Government of *Rome* their Head, of which they were ſmall Reſemblances and Images.

IT was not, as now, that all the Beauty, Magnificence, and Riches, were to be found only in one City, as the Head and Chief of the reſt: Every Country had many Cities magnificent and famous in themſelves. *Capua* once exalted it ſelf above all the reſt; ſo very renown'd and famous, that *Lucius Florus* [1] declareth, that it vied with *Rome* and *Carthage*, the moſt famous and wonderful Cities in the World: A City ſo full of Inhabitants, and of ſuch Traffick, that it was reckon'd the Mart of all *Italy*; and was always equall'd with *Epheſus* by our Lawyers [2], and almoſt all the Examples they quote, either in Matters of Contract, or Remittances of Payments, from the moſt remote Places, or of Traffick amongſt the moſt famous Merchants, are all taken either from *Capua* or *Epheſus*.

THERE was in *Puglia*, *Luceria*, ſo famous and ſo much extoll'd by *Livy* and *Horace*: *Sipontum*, which, for Antiquity, yielded to none other in the World: *Venoſa*, ſo renown'd and remarkable for the Birth of *Horace*: *Beneventum*, the moſt famous of all the *Roman* Colonies: *Bari*, and other illuſtrious Cities.

The *Salentini* had *Lupia*, *Otranto*, and the beautiful and pleaſant *Brunduſium*, famous for its Harbour; and, by our Lawyers, celebrated for the many Voyages undertaken from thence to the Eaſt [3].

THE *Brutii* had *Tarentum*, *Croton*, *Rhegium*, *Locri*, *Turio*, *Squillace*, all famous Cities; Cities fertile in producing ſo many bright and excellent Mathematicians and Philoſophers; from whence aroſe that moſt noble Sect called the *Italic*, and which had for its Head *Pythagoras*, who liv'd there very long, and had ſometimes in *Croton*, ſix hundred Scholars.

THE *Lucani* had *Peſto* and *Buſſento*. The *Picentini*, *Salernum* and *Nocera*. The *Samnites*, *Iſernia*, *Venafrum*, *Teleſe*, and *Samnium*, ſo very famous, that it gave the Name to the Country; not to paſs over *Sulmo* remarkable for the Birth of *Ovid*: *Nola*, *Surrentum*, *Pozuolo*, and theſe other pleaſant and ancient Cities, *Cuma*, *Baia*, *Miſenus*, *Linternum*, *Vulturnum*, *Heraclea*, *Pompei*, and many others, of which there are ſcarce any Veſtiges.

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[1] Flor. lib. 1. cap. 16.

[2] Scevola & African. in lib. 3. & lib. 9. tit. 4. D. lib. 13. Ulpianus, lib. 9. tit. 2. D. lib. 45. Julianus & Papin. in lib. 17. & lib. 50. tit. 1. D. lib. 46.

[3] Scevola in l. qui Romæ, D. de verb. oblig. ſect. Callimachus.

SECT. IV.

Of FAMOUS WRITERS.

WHO can number ſo many famous and noble Wits, as have had their Births in theſe illuſtrious Cities; the Philoſophers, Mathematicians, Orators, and above all, the ſo renown'd and famous Poets? What we have now a-days of the Ancients, who were moſt ſingular and exquiſite in Philoſophy, Mathematicks, Rhetorick, and eſpecially Poeſy, we owe all to the Wits, who were either the Product of this Soil, or being born elſewhere, liv'd and cultivated their Studies here.

AMONG ſo many, I may reckon, for his Knowledge in the Laws, the incomparable *Papinianus*: As ſome have made him to be born in *Beneventum*, I would willingly do the ſame; but the Neceſſity of telling Truth, and not deceiving any body, obliges me to do otherwiſe: Since the native Country of ſuch an able Man is ſo uncertain, that only vain Conjectures, and too much Love of their own Country, could excite thoſe who have wrote, to ſay, that he was of *Beneventum*. Their Ignorance was greater and not to be pardon'd, when they had their recourſe to the *Pandectæ*, and that Law of *Papinianus* [4], which we have under the Title *Ad S. C. Treb.* foraſmuch as they aſcribe to this Civilian the Words of a certain Teſtament made by one born in *Beneventum*, in which he left a Legacy *Coloniæ Beneventanorum Patriæ meæ*; and believing that *Papinianus* ſpoke of himſelf, wrote, that *Beneventum* was his native Country. I have taken notice of this Blunder, becauſe a grave Author among us is a Stickler for it, and that is *Marinus Freccia*[1]; 'tis now to be found in many Books of our Profeſſors, and even in a modern Author of *Samnium*[2], to whom, as Writers not ſo ignorant in theſe Matters, as ſome others, perhaps he has been eaſily induc'd to give Credit.

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[4] L. Hæredes mei D. ad. S. C. Trebel.

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[1] Freccia de ſubfeud.

[2] Ciarlant. de Samnio, lib. 3. cap. 3.

CHAP. V.

Of the STATE *of* ITALY, *and of theſe our Provinces under* Adrian, *to the Time of* Conſtantine the Great.

THIS Form and State of the *Regiones* of *Italy*, and the Provinces of the Empire, continued to the Time of *Adrian*. As this Prince gave a new Turn to the *Roman* Laws, ſo likewiſe he divided *Italy* after another manner; not into *Regiones*, but Provinces[3]; of eleven *Regiones*, of which it conſiſted at firſt, he made ſeventeen Provinces. The Iſlands of *Sicily*, *Sardinia*, and *Corſica*, which *Auguſtus* divided from *Italy*, and number'd amongſt the Provinces of the Empire, were by *Adrian* added to the Provinces of *Italy*: He inlarg'd the Bounds of *Campania*, to which, although *Auguſtus* had added ſome Part of *Samnium*, the two *Latia*, *Campania*, and the *Picentini*, *Adrian* afterwards join'd the *Hirpini*, ſo that *Beneventum* was near being call'd a City of *Campania*[4].

HE alter'd likewiſe the Civil Government and Magiſtrates, by inſtituting four *Conſulares*[5], to whom the Government of the greateſt Provinces of *Italy* was committed; the reſt were given to *Correctores*, and others to *Præſides*, which were Names of Magiſtrates of different Dignities.

UNDER the *Conſulares* there were eight Provinces, which were, I. *Venice* and *Iſtria*. II. *Æmilia*. III. *Genua*. IV. *Flaminia* and *Picenum*. V. *Tuſcany* and *Umbria*. VI. *Picenum Suburbicarium*. VII. *Campania*. VIII. *Sicilia*.

UNDER the *Correctores* were two Provinces, I. *Puglia* and *Calabria*. II. *Lucania* and the *Brutii*.

UNDER the *Præſides* were ſeven, I. The *Alpes Cottiæ*. II. *Rhetia Prima*. III. *Rhetia Secunda*. IV. *Samnium*. V. *Valeria*. VI. *Sardinia*. VII. *Corſica*.

TO the Provinces out of *Italy* he gave another Form and Diſpoſition. He divided *Spain* into ſix Provinces, ſome of which were Preſidial, others Conſular. He divided *Gallia* and *Britain* into eighteen Provinces: *Illyricum* into ſeventeen: *Thracia* into ſix: *Africa* likewiſe into ſix: And after the ſame Manner did he divide *Aſia*, and the other Provinces, of which there's no need of making a longer Catalogue.

IN the mean time, theſe *Regiones*, which make up the Kingdom of *Naples*, took a new Form of Government. Now the Name of Province began to be known in *Italy*, and according to this new Scheme of *Adrian*'s, that which is now a Kingdom was divided into four Provinces, I. A Part of *Campania*. II. *Puglia* and *Calabria*. III. *Lucania* and the *Brutii*. IV. *Samnium*.

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[3] Spartian. in vita Adrian. Appian. Alex. lib. 1. de bel. civili.

[4] Camil. Pel. in Camp. diſc. 1. num. 8.

[5] Spartian. loc. cit. quatuor Conſulares per omnem Italiam judices conſtituit.

THE Government appear'd new and more abſolute, taking from the Cities theſe Prerogatives, which either the Condition of *Municipia*, *Coloniæ*, or *Fœderatæ*, was in uſe to have: *Naples* loſt much of its ancient Liberty; as alſo the other confederated Cities and Colonies. The Authority and Juriſdiction of the *Conſulares*, *Correctores*, and *Præſides* was great, and became yet greater, when *Conſtantine the Great* tranſlated the Imperial Seat to the Eaſt, and left intirely to them the Government of theſe our Provinces, which was giving the finiſhing Stroke to the Ruin of *Italy*, by bringing in that new Form and Polity, which ſhall be treated of more at length in the ſecond Book of this Hiſtory.

CHAP. VI.

Of the LAWS.

IT was not ſufficient to have ſo well divided the Provinces and *Regiones*, if good Laws and Inſtitutions had not been provided at the ſame Time; in which the *Romans* diſcover'd no leſs Knowledge than Prudence: For if we will but conſider the Origin of their Laws, with how much Maturity and Wiſdom they were eſtabliſh'd, and with how much Prudence expounded afterwards, and to the Multitude and Variety of Affairs adapted; their Durableneſs will not appear ſtrange nor wonderful.

ALTHOUGH the *Romans* were govern'd more than the Space of two Ages by the Laws of their own Kings [1]; nevertheleſs, theſe being driven away, their Laws were likewiſe cancell'd [2], ſome few only being preſerv'd, to wit, the *Tullian*, the *Valerian*, and the *Sacratæ Leges* [3]; for the reſt, they were govern'd by their ancient Cuſtoms, and unwritten Laws, which being various and uncertain, were the Occaſion of grievous Conteſts and Diſorders: For which Cauſe they conſidering, that theſe were not ſufficient for eſtabliſhing a perfect and well order'd Republick; and that Travelling, and the Knowledge of the Laws and Inſtitutions of different Countries, were very helpful for the better eſtabliſhing of it, as *Ariſtotle* ſays [4], they order'd, That the Laws and Cuſtoms not of one City only, but of many, ſhould be known and examin'd, to the End, that thoſe which ſhould be found proper, and worthy, might be receiv'd and incorporated among their own: And likewiſe conſidering, that the beſt Laws were thoſe which proceeded from true and ſolid Philoſophy, and that, amongſt all Nations, the *Greeks* appear'd to be ſuperior in Wiſdom to all others, they ſent for that End to *Athens*, and other Cities of *Greece*, even to the *Greek* Cities that were in *Italy*, and alſo to that Part which of old was call'd *Magna Græcia*, where the *Pythagoreans* flouriſh'd, and thoſe two famous Lawgivers *Seleucus* and *Caronda*, who gave the Laws of theſe to the *Locrians*, and they gave them to the *Turians* [5]. They ſent to *Lacedæmonia*, and to *Hetruria*; by which they diſcover'd, by a new and rare Example, that Philoſophy, which the *Greeks* confin'd to their Porches and Academies, could be made uſeful likewiſe to the Civil Society of all the Citizens; and that the Principles and Axioms of it, being manag'd, not by meer Philoſophers, but Civilians, could be adapted to human Commerce in ſuch a manner, that Mankind might reap both Profit and Juſtice from it, as the Spring of all Tranquillity and worldly Contentment. Thus from the Laws and Inſtitutions of ſo many bright and famous Cities, and from thoſe which *Rome* it ſelf had, as is at large reported to us by *Riterſuſius* [1], the *Roman* Civil Law, and thoſe famous and celebrated Laws of the twelve Tables, were compil'd by the *Decemviri*, which were the firſt and laſting Foundations of the *Roman* Juriſprudence, and the Spring, as *Livy* ſays [2], of all publick and private Laws; of which *Cicero* ſpeaks thus [3], *Fremant omnes licet, dicam quod ſentio, Bibliothecas, Mehercule omnium Philoſophorum unus mihi videtur duodecim tabularum libellus, ſi quis legum fontes, & capita viderit, & authoritatis pondere, & utilitatis ubertate ſuperare.*

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[1] Leges Regiæ in ordinem ex eorum fragmentis redactæ, notiſque ex parte illuſtratæ ſunt a Paulo Manutio, A. Aug. Franciſco Modio, Fulvio Urſino, Lipſio, Roſino, Forſtero, ac Balduino.

[2] L. 2. D. de orig. jur. in princ.

[3] Dion. Halicar. lib. 5. Plutar. in Valer. Liv. lib. 3. & 10.

[4] Ariſt. lib. 1. Rhetoric. ad Theodect. cap. 4. Legum ferendarum ſcientiæ, terrarum Peregrinationes ſunt utiles, exinde enim gentium inſtituta, legeſque licet cognoſcere. Emund. Meril. obſ. lib. 2. cap. 10.

[5] Gunrad. Riterſhuſ. in Com. ad XII. L. L. tab. cap. 1.

NEITHER was their Wiſdom leſs in eſtabliſhing the other Laws, which were publiſh'd by the People of *Rome*; ſince that after they drove away their Kings, the Majeſty of the Empire remaining in the People, it was in their Power to make the Laws [4]. Neither was it leſs in the *Plebiſcita*, to which, by the Law of *Hortenſius*, a Power and Authority, not inferior to the Laws themſelves, was given [5]. Nor in the *Senatus Conſulta*, which had no leſs Authority [6]: And, laſtly, in the Decrees of the Magiſtrates, which from being annual, were by the *Cornelian* Law, made perpetual, and, under the Emperor *Adrian*, by the Labour of *Julianus*, put in order, and by them call'd *Edicta Perpetua* [7]; whence ſprung that beautiful Part of the Juriſprudence [8], which was afterwards ſo much illuſtrated by the *Roman* Civilians, and became, as it were, the North Star and Foundation of that which we find in the Books of *Juſtinian* [9].

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[1] Riter. loco cit.

[2] Livius, lib. 3.

[3] Cicer. lib. 1. de orat.

[4] §. Lex inſtit. de jur. nat. gent. & civ. Bodin. lib. 1. de Repub. cap. 10.

[5] §. L. 2. §. iiſdem temporibus, D. orig. jur.

[6] Senatus conſultum, inſtit. cit. tit.

[7] Prætorum, Inſtit. tit. de perpet. & tem. act. Budeus in lib. 2. D. de ſtatu hom. Roſin. lib. 8. Antiq. cap. 5.

[8] L. ſi quis 10. C. de condit. indeb.

[9] Jac. Gotofr. in Prolog. ad Cod. Theod. cap. 1.

CHAP. VII.

Of Lawyers and their Books.

BUT that which gave greateſt Authority and Stability to the *Roman* Laws, was, the Study of the Juriſprudence being always had in great Eſteem, and honoured by the moſt excellent Men of that Republick: They knew very well, what was requiſite for the Occaſions of the Citizens, was not their having provided them only with the bare Laws, if there were not likewiſe thoſe who underſtood, and could explain the Force and Energy of them; and in the Multiplicity of Caſes, and Variety of Buſineſs, might be aſſiſtant to the People: Therefore they were willing that the moſt knowing, and the brighteſt Men of the City might be appointed for ſo noble an Exerciſe, ſuch as the *Claudii*, the *Sempronii*, the *Scipiones*, the *Mutii*, the *Catones*, the *Bruti*, the *Craſſi*, the *Lucilii*, the *Galli*, the *Sulpitii* [1], and others of the like Fame; by which it is manifeſt, that they had nothing more at heart, than the Study of the Juriſprudence, and Skill in the Civil Law, which was of great Advantage to the Publick, either by interpreting, diſputing, teaching, or writing. What other Nation can we mention, that could contend with the *Romans* in this Point? Surely not the *Hebrews*, whoſe legal Diſcipline being very mean and vulgar, was never much eſteem'd [2]: Not the *Greeks* themſelves, (to paſs over the reſt) with whom, the Office of Lawyers was confin'd to mean and low Caſes, and was ſolely taken up with Actions, Forms, and Evaſions; ſo that the Profeſſors, as being of the Dregs of the People, were not honour'd with the venerable Title of Lawyers, but with that of plain Attornies; ſo that *Cicero* us'd to ſay [3], That all the Laws and Cuſtoms of other Nations, being compar'd with thoſe of the *Romans*, appear'd ridiculous and trifling. With the *Romans*, none were the Protectors or Guardians of the Laws, but the moſt excellent Men, indu'd with all Learning and exquiſite Knowledge, grave, uncorrupted, ſevere, and venerable, in whom was lodg'd the Defence of the Citizens: they had their recourſe to them for their Advice, as well in publick as private Concerns: To them, either while they were walking in the Market-place, or at home in their Houſes, did they apply, not only in Caſes concerning the Civil Law, but in all other Matters; if a Father was to marry his Daughter, he took their Advice; or if any Man was to buy a Farm, to plough his Field, and, in ſhort, there was nothing determin'd, neither publick, nor private, nor domeſtick, which did not depend upon their Advice; ſo much, that the ſame *Cicero* was wont to ſay [4], That the Houſe of a Lawyer was the Oracle of the City. They had yet three other principal Functions; to adviſe Parties, which was the only Function of the old Practitioners; to conſult with the Judges in Points of Right in Proceſſes, which were to be judged; and laſtly, to be Aſſeſſors to the Magiſtrates, to inſtruct them, and ſometimes to judge in Proceſſes, either with or without them [5]. They had yet another Authority, that is to ſay, That when there aroſe any difficult Queſtion in *Rome*, they join'd all together in order to debate and concert it, and that Conference was called *Diſputatio Fori*, of which *Cicero* makes mention in his firſt Book, *ad Q. F.* and in the *Topici*; and what they reſolv'd in ſuch Aſſemblies, was call'd *Decretum*, or *Recepta Sententia*, which was a kind of unwritten Law, as it is very methodically treated of by *Revardus* [6].

But if the Juriſprudence was had in ſuch honourable Eſteem in the Time of the free Republick, it was no leſs under the Emperors, down to the Time of *Conſtantine the Great.* Afterwards, in the Time of the Decay of the Commonwealth, there not being ſo many able Lawyers, by the Vice of the Age, by degrees it came to paſs, that every one truſting ſolely to his own Studies, interpreted publickly the Laws after his own Fancy, and according to his own Talent adviſ'd, and gave Anſwers; ſo that by the Multitude of Profeſſors, or by their Ignorance and Sordidneſs, a Thing of ſo great Value, and of ſuch Importance, came to be deſpiſ'd; or elſe, as *Pomponius* [7] ſays, (or whoever may be the Author of that Book) that the Laws might have the greater Authority, it was decreed by *Auguſtus*, that no Perſon whatſoever ſhould preſume to take upon himſelf that Power, as had been done in Times paſt; but that, by his Authority alone, and by his Permiſſion, the Laws were to be expounded, and Conſultations given, which they were to acknowledge as a Favour from him, or as a Reward of their eminent Virtues, or ſingular Knowledge and Skill in the Civil Laws: whence he ordain'd the taking of Licences from him; from whence it came, that the Civilians were reputed Officers of the Empire; at which *Adrian* was offended, not without Reaſon, ſaying, That it was not the Emperor's Buſineſs to give a Character of the Capacity that was requiſite in a Civilian; whence *Pomponius* [8] judiciouſly remarks, *Hoc non peti, ſed præſtari ſolere*; ſo that from that Time forward, the Civilians, by giving their Advice by the Authority of the Emperor, were reckon'd publick Officers and perpetual Magiſtrates, at leaſt, as *Manlius* qualifies a Civilian, *Perpetuus Populi privato in limine Prætor.*

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[1] L. 2. D. de orig. jur.

[2] Georg. Paſq. de nov. inventis.

[3] Cic. lib. 1. de orat. Vigilius in Præfat.

[4] Cic. loc. cit.

[5] Loyſeau, des ordres, cap. 8. num. 24.

[6] Reverd. de auth. Prud. cap. 14. & 15.

[7] L. 2. de orig. juris.

[8] L. 2. D. de orig. jur. in fine.

[9] Loyſeau, des ordres, cap. 8. num. 27.

IN thoſe very Times 'tis to be obſerv'd, that the *Roman* Juriſprudence, by the Favour of the Princes, was at its Height of Greatneſs and Honour; ſince Princes themſelves, who now a-days moſtly encourage the Study of Mathematicks, had nothing more at heart than the Knowledge of the Laws: None others but Civilians were call'd to Council upon difficult and ſerious Matters; ſo we read, that *Auguſtus*, a moſt prudent Prince, when he was about to give that Force and Authority to the *Codicilli*, which he afterwards gave, our *Juſtinian* ſays [1], That he conven'd the moſt wiſe Men, among the reſt *Trebatius*, on whoſe Advice he depended much in his moſt weighty and ſerious Affairs. So likewiſe we obſerve from the Hiſtorians of thoſe Times, that *Trajan* had *Neratius Priſcus*, and *Celſus* the Father, in great Eſteem. *Adrian* adviſ'd with *Celſus* the Son, *Salvius Julianus*, and other learn'd Civilians [2]. The Works of *Volutius Metianus*, of *Ulpius Marcellus*, and others, pleas'd *Antoninus Pius*. *Marcus Antoninus* the Philoſopher, in his Deliberations, and eſtabliſhing the Laws, always had *Cerbidius Scevola*, a moſt grave Civilian for his Collegue, who had the Honour to have for his Scholars many famous Civilians, and among the reſt, *Paulus*, *Trifonius*, and the great and incomparable *Papinianus*. *Alexander Severus* adviſ'd with *Ulpianus*, neither did he make one Conſtitution without the Advice of twenty Civilians [3]; and *Maximinus the Younger* conſulted *Modeſtinus*. Neither, at laſt, did theſe Emperors, in theſe very Conſtitutions, rob thoſe great Men of their deſerv'd Honour, ſince their Opinions are mention'd in them with great Encomiums, as *Carus*, *Carinus*, and *Numerianus* did by *Papinianus* [4]; and as *Diocleſian* did, who, by publick Teſtimony, valu'd the Opinion of *Scevola*, as other Emperors did thoſe of other Civilians. And truly whoever will but attentively conſider, that which is extant of the Works of theſe Civilians, (ſince few of thoſe who flouriſh'd under the free Republick are left us) the greateſt part of which *Juſtinian* depriv'd us of by that Compilation of his, for which I don't know if we ought to blame or praiſe him; becauſe the Viciſſitude and Revolution of worldly Things are ſuch, that perhaps without it, none of them ſhould have reached us; it will clearly appear, not only how admirable their Knowledge and Learning has been, but likewiſe perſuade us, that nothing eſcap'd their Exactneſs, by conſulting about every thing that could fall out, either in the Courts of Juſtice, or other Affairs of the Commonwealth. For that Purpoſe, the Sollicitors and Pleaders provided themſelves with the Books of the *Quæſtiones* and of the *Reſponſa*, of the *Decreta*, the *Conſtitutiones*, the *Epiſtolæ*, and of the *Digeſta*: For thoſe who were aſſumed to be Magiſtrates and Judges, there were many Books ready prepar'd, of the Offices of the different Magiſtrates, their Authority, and Juriſdiction. Thoſe who were curious to learn the legal Diſcipline of ſpeculative Matters, had many Opportunities of ſatisfying themſelves: They found Books full of Notes which expounded the Laws of the People of *Rome*, the Decrees of the Senate, the Edicts of the Magiſtrates, the Orations, the Conſtitutions of Princes, and the *Reſponſa* of the old Civilians: There were Treatiſes upon almoſt every Caſe that could ever belong to the Juriſprudence: There were not wanting Books upon the various Readings; and, laſt of all, there were to be found Books, teaching how to reduce Juriſprudence it ſelf to a certain Method and Order, far exceeding that which *Cicero* left us in writing [6], which the Titles of their Volumes demonſtrate to us, the Loſs of which we, with good Reaſon, lament at this Time; ſuch were the *Enchiridia*, the *Pandectæ*, the *Regulæ*, the *Sententiæ*, the *Definitiones*, the *Brevia*, and the Books of Inſtitutions; ſo that tho' the Courſe of ſo many Ages, and the diſmal Alterations of the World, have robb'd us of a great many other valuable Antiquities, if they had not likewiſe taken from us the Books of ſo many eminent Civilians, we ſhould not have had Occaſion now for the Works of thoſe who in barbarous Times ſucceeded them; or rather, there wou'd not have been Occaſion to load the Juriſprudence with ſo many new and inſipid Volumes.

Neither was the Dignity and Elegancy of the Style of theſe Civilians, inferior to their Prudence and Care. It is a Thing truly worthy of Admiration, that their Elegancy of Expreſſion ſhould be in every thing the ſame, and perfect, altho' they did not flouriſh at the ſame Time, but diſtant by whole Ages, that nothing can be added to it: Or if we conſider their Stile and Writings, it cannot be perceiv'd who amongſt them deſerves the Pre-eminency; and it is yet worthy of Obſervation, what *Laurentius Valla* [1], and *Gulielmus Budeus* [2], ſpeaking of the Uniformity of the Words and Sentences of their Books, which are collected in the *Pandects*, have written, That it is not inferior to what is obſervable in the Epiſtles of *Cicero*, as if theſe Books had likewiſe been written by one Perſon; ſince commencing from *Auguſtus* to the Time of *Conſtantine the Great*, under whom flouriſh'd *Hermogenianus*, *Arcadius*, *Cariſius*, *Aurelius*, and *Julius Aquila*, (whoſe Memories we ſee ſcatter'd by *Juſtinian* in his fifty Books of *Digeſta*) there were three Ages, during which we obſerve in the Hiſtorians, Orators, Poets, and other Writers, a great Difference of Stile, but in theſe Civilians 'tis always the ſame, and conſtant.

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[1] Juſtin. in Inſtit. lib. 2. tit. 25.
[2] Spartian. in vita Adrian.
[3] Lamprid. in Alex. Sever.
[4] L. cum virum 16. c. de fidei comm.
[5] L. caſus majoris, C. de Teſtam. l. 3. eod. tit.
[6] A. Gell. lib. 1. noct Attic. cap. 22. Bud. Annot. in Pand. lib. 1. de juſt.

IT is not then to be thought ſtrange, if in the Courſe of Time, (and eſpecially under *Valentinian* III.) the Authority and Force of the Sentences and Opinions of theſe Civilians gain'd ſo much Credit, that *Juſtinian* ſays [3], it was finally reſolv'd, that the Judges ſhould not depart from their Opinions.

BUT this being a Point of Hiſtory not rightly underſtood, hath occaſion'd many Miſtakes in ſome; but give me leave to obſerve, that it ought not to be thought, as ſome have imagin'd, that this Authority was acquir'd, when *Auguſtus* order'd the Licences to be taken of him, as if giving Counſel by the Authority of the Emperor, had given ſo much Strength and Authority to their Advice, as that the Magiſtrates were oblig'd to follow it in giving Judgment: This is repugnant to all the Hiſtory of the Law; ſince that Authority was given them from the Time of the free Commonwealth, but only in caſe, as we have ſaid above, when there happen'd any difficult Queſtion in *Rome*, and that they join'd together to debate and decide it, and what they concluded in ſuch an Aſſembly was call'd *Decretum*, or *Recepta Sententia*, which was a kind of unwritten Law, from which the Judges could not depart in their Deciſions, as having been long debated, and receiv'd in the Courts of Judicature, and had acquir'd Strength and Vigour, not inferior to the Laws themſelves; which was alſo practis'd with regard to ſome of their Decrees receiv'd in Courts in the Times of *Auguſtus*, and the other Emperors his Succeſſors. But it is altogether repugnant to Truth, that without this, every one of their Sentences and Opinions were no ſooner pronounc'd, but they had ſo much Authority, as that the Magiſtrates were oblig'd inviolably to follow them; and much leſs in the Time of *Auguſtus*, when the Diſpute amongſt the Civilians broke out into open Factions; whence the Sects of the *Sabiniani* and the *Caſſiani* on one ſide, and the *Proculejani* and the *Pegaſiani* on the other [4]. Theſe Diſputes were never more obſtinate than under *Auguſtus*, when the Commonwealth began to take the Form of a Principality; ſince under his Reign, they were maintain'd by *Attejus Capito*, Diſciple of *Ofilius*, on the one ſide, and by *Antiſtius Labeo*, Diſciple of *Trebatius*, on the other: Under *Tiberius*, by *Maſurius Sabinus*, who had *Nerva the Father* for Antagoniſt: Under *Caius*, *Claudius*, and *Nero*, by *Caſſius Longinus*, from whom the *Caſſiani* had their Name; and by *Proculus* from whom the *Proculejani*: Under the *Veſpaſians*, by *Celius Sabinus*, from whom the *Sabiniani*, and by *Nerva the Son*, and *Pegaſus*, from whom the *Pegaſini*: And under *Trajan*, *Adrian*, and to the Time of *Antoninus Pius*, on the Side of the *Sabiniani* and *Caſſiani*, were *Priſcus*, *Javolenus*, *Alburnius*, *Valens*, *Tuſcianus*, and *Salvius Julianus*; and on that of the *Proculejani* and the *Pegaſini*, *Celſus the Father*, *Celſus the Son*, and *Priſcus Neratius*.

AND although after the Death of *Antoninus Pius*, the Heat of ſuch ſharp Diſputes and Contentions was not ſo obſtinate, whence aroſe the *Mediani* Civilians [5], who not bearing the Slavery *jurare in verbo Magiſtri*, took another Courſe; but for all that, the Controverſies, and different Opinions did not ceaſe; ſo that it behoved, afterwards, to end ſome of them by the Deciſion of Princes. Neither can *Juſtinian* much commend the Care of his *Tribonianus*, who made him believe, that by his Collections he had put an end to all theſe Diſputes, and of

[1] Valla eleg. lib. 3.

[2] Bud. Annot. in P. P. L. 1. de juſt. & jur.

[3] Juſtin. in Inſtit. lib. 1. tit. 1. §. Reſponſa.

[4] Cont. 1. Succeſ. 12. Doviat. Hiſt. juris civil.

[5] Emund. Merill. lib. 1. obſ. cap. 5 & 6.

which that Prince bragg'd; nevertheleſs, a great many eſcap'd his Accuracy, and at this time the Veſtiges of them are to be ſeen in the *Pandectæ*: ſo that thoſe who were poſſeſs'd with ſuch a Prejudice by the Boaſts of *Juſtinian*, gave themſelves up to believe, that there was no claſhing Contrariety amongſt the Laws which he had collected; altho' when they met with that Contrariety of two Laws, it made them ſweat and toil to reconcile them, till at laſt they had no other Buſineſs upon their Hands, but, as the Saying is, *Peliam levare*; and 'tis Matter of Fact, that very often we ſee *Ulpianus* on purpoſe differ from *Africanus*, and ſo one Civilian from another.

AMONGST ſuch a Variety of Opinions, it would be fooliſh to believe, that it could be impos'd upon Magiſtrates, of Neceſſity, to follow them, excepting thoſe, which after long debating, had been receiv'd into the Courts of Juſtice: and much leſs in the Time of *Auguſtus*, and the other Emperors, down to *Conſtantine the Great*, during which time, there were Magiſtrates adorn'd with many rare and excellent Virtues, and they well knew, by their Learning and Prudence, what Deciſions of the Civilians had been receiv'd in the Courts, and conſequently what had been rejected, and what uſe to make of them in their Judgments; beſides that, their Experience and great Knowledge, was able to prevent any Confuſion from the Variety of Opinions. Their Prudence, Learning, and exact Judgment, was not inferior to that of the Civilians themſelves; ſince the *Romans* ſhew'd their Wiſdom, not only in eſtabliſhing and interpreting the Laws, but, as *Pomponius* ſaith [1], they knew very well, that the Laws, with the Interpretations of them by the Civilians, would not be anſwerable Proviſion for the Neceſſities of the Citizens, if they did not likewiſe appoint Judges that were grave, ſevere, uncorrupted, and moſt wiſe, who ſhould be able to do Juſtice to every body; great was the Care and Diligence they us'd in making good Magiſtrates: Whence that which *Juſtinian* ſays was determin'd, that the Judges could not depart from the Opinions and Sentences of the Civilians, ought not to be attributed to *Auguſtus*, as *Cujacius* and others have believ'd, from whom, nor any of the other Emperors of theſe Times, when the Juriſprudence was in its Perfection, can any one Conſtitution be deriv'd; but we muſt believe, that *Juſtinian* ſpeaks of the latter Times of *Valentinian* III. [2], when the Juriſprudence was in its Decay; when there were no learn'd and grave Civilians, nor bright Magiſtrates, but Ignorance of the Laws, Decrees, and Deciſions prevail'd, and every thing was in ſuch Confuſion and Diſorder, that the Judges, by their Inſufficiency, knew not how to determine Cauſes, and were often miſled by the falſe Allegations of the Advocates: For remedying ſuch Miſchief, it behoved *Valentinian* to lay down a Rule to the Judges, and to point out to them what Civilians they were to conſult in giving Judgment, and not to ſwerve from their Opinions. He refuted the Notes made by *Paulus* and *Ulpianus* on *Papinianus*, (but afterwards *Juſtinian* was of a different Opinion as to that Matter); moreover, he ordain'd, that in reciting the different Sentiments, the greateſt Number of the Authors ſhould carry it; and if the Numbers were equal, they were to adhere to the Side *Papinianus* was on: And laſtly, that if the Opinions were altogether equal, the Diſcretion and Award of the Judge was to take place. Such a Remedy in the Time of *Valentinian* III. was neceſſary, the Diſcipline of the Law was ſo decay'd: It was not ſo in the Time of thoſe bright Civilians to that of *Conſtantine the Great*, when, after *Modeſtinus*, *Hermogenianus*, and *Arcadius Cariſius*, thoſe famous Oracles of the Law, there were none to be found; ſince thoſe who flouriſh'd under him and his Sons, of obſcure Fame, publiſh'd nothing of Moment: The ancient and grave Inſtitution of Interpretations and Conſultations being quite left off, they were contented to teach in the Schools what theſe firſt Civilians had treated of and written, of which we ſhall afterwards diſcourſe.

WE have thought fit ſo far to treat of theſe Civilians, and their Works, only becauſe the Body of the Laws, which after *Conſtantine* was diſpers'd over the Eaſt and Weſt, was compos'd, for the moſt Part, of their Opinions; ſince of the Laws of the twelve Tables, after the Incurſion of the *Goths* into *Italy*, and the Devaſtation of *Rome*, when, as *Ritterſuſius* [3] believes, theſe were loſt, there were

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[1] L. 2. D. de orig. jur.

[2] L. un. cod. Th. de Reſp. Prud. Jacob. Got. loc. cit.

[3] Ritterſ. Comm. in XII. Tabulæ, cap. 5.

tranſmitted to Poſterity, only a few Fragments, which *Cicero*, *Livius*, *Dionyſius*, and *A. Gellius*[1], have given us of ſome of their Books; and what we have of them at this Day is owing to the good Fortune of our Times, and thoſe of our Fore-fathers, and to the Induſtry of ſome able Men, who collected and interpreted them; amongſt the firſt of which were *Rivallius*[2], *Olendorpius Forſterus*, *Balduinus*, *Contius*, *Hottomanus*, *Revardus*, *Criſpinus*, *Roſinus*, *Pighius*, and *Fr. Piteus*; to whom ſucceeded, *Theodorus Marcillius*, *Adrianus Turnebus*, *Juſtus Lipſius*, and *Conradus Ritterſuſius*; and laſt of all, 'tis owing to the great Care and Accuracy of *Jacobus Gothofredus*, who in his Tables, hath put them in the Order and Diſpoſition as they were compos'd by the *Decemviri*. As for the other Laws which were afterwards eſtabliſh'd by the People of *Rome*, to wit, the *Plebiſcita*, Decrees of the Senate, and the Edicts of the Magiſtrates, our Fore-fathers had no other Knowledge of them, but what they had from the Works of the above-mention'd ancient Writers, and eſpecially from the Books of theſe ſame Civilians; in which likewiſe the Writers of the latter Times have been very careful, who with unwearied Pains have collected them from various Marbles and Tables, and from the Rubbiſh of Antiquity, in which none excell'd *Barnabas Biſſonius*, *Antonius Auguſtus*, *Fulvius Urſinus*, *Balduinus*, *Franciſcus*, *Hottomanus*, *Lipſius*, and many other Lovers of *Roman* Antiquities. The World was full of the Volumes of theſe Civilians only, by which the Tribunals govern'd themſelves, who flouriſh'd after *Auguſtus* in the Times preceding *Conſtantine*; ſo that afterwards, in the Time of *Valentinian* III. there was a Neceſſity, becauſe of their Confuſion, to make Regulations concerning them; and in the Times following, their Number was ſo great, that it gave occaſion to *Juſtinian* to compile his *Pandectæ*, which, in the following Ages down to our Time, have made one of the two moſt famous Parts of the Juriſprudence.

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[1] A. Gell. lib. 20. cap. 1.

[2] Rivall. lib. 2. hiſt. juris Civ. Oldendorp. lib. var. ſect. ad jur. Civi. interp. Forſterus, lib. 1. hiſt. J. C. Rom. cap. 22. Balduin. Comm. ad XII. Tab. II. Cont. lib. 2. ſubſec. lect. Roſin. antiq. Rom. lib. 8. cap. 6. Pighius, lib. 3. Annal. S. P. Q. R. Turneb. in Adverſar. lib. 13. cap. 26. & ſeqq.

CHAP. VIII.

Of the Conſtitutions of the PRINCES.

IF the Number of the Books of the Civilians was great, no leſs afterwards did the Bulk of the Conſtitutions of the Princes appear to be; ſo that out of them there were many Compoſitions and Codes made: Whence all the Body of the Laws is reduc'd to theſe two principal Parts; to wit, the Books of the Civilians, out of which our *Juſtinian* compos'd his *Pandectæ*, and the Conſtitutions of the Princes, from which ſprung the Compoſition of more Codes, and the many Collations by the *Novellæ*, and that beſides the *Inſtitutiones*, which were only compos'd to inſtruct the Youth who took Pleaſure in the Study of the Law. And ſeeing the relating of theſe Facts hath detain'd me longer perhaps than a general Relation requir'd, 'tis incumbent on me now, that with the ſame Care I likewiſe relate diſtinctly the Conſtitutions of the Princes who reign'd before *Conſtantine*, while the *Roman* Juriſprudence was at its Height; by which the Knowledge of what I am to treat of in the Proſecution of this Hiſtory will be made more clear.

AS ſoon as the deſpotick Power was approv'd of by the People of *Rome*, as being more expedient and wholſome for the Commonwealth (*neque enim*, ſays *Dio* [1], *fieri poterat, ut ſub populi imperio ea diutius eſſet incolumis*) all that Power which they had of publiſhing the Laws, was transferr'd to the Prince, nothing material remain'd with them; therefore the Opinion of ſome, who believ'd that the People of *Rome* did not ſtrip themſelves of their Authority, but communicated it to the Prince, is an Error ſo well known, and demonſtrated by moſt able Writers, that, beſides its being foreign to our Purpoſe, we ſhould be eſteem'd very idle if we undertook to confute it: And it would be thought the Height of Folly to believe, that the People of *Rome* did not ſtrip themſelves, or were not altogether ſtripp'd of that Power, only becauſe the *Roman* Emperor did not take the Title of King and Lord. It was a Piece of great Policy, ſince they knew that theſe Titles were abhorr'd by the People, that they appear'd likewiſe to deteſt them; and beſides, that they might not, all of a ſudden, introduce into the Commonwealth a Form altogether new, they kept the ſame Magiſtrates, and the ſame Solemnity of the *Comitia*, and Senate [2]; but in reality, under theſe ſpecious Appearances, they exercis'd the Kingly Power to the full, as *Appianus Alexandrinus* [3], and *Dion* [4], aſſure us, who ſay, *Hæc omnia eo fere tempore ita ſunt inſtituta: at re ipſa Cæſar unus in omnibus rebus plenum erat imperium habiturus*; adding afterwards, *Hoc pacto omne populi, Senatuſque imperium ad Auguſtum rediit.* And much leſs ought we to fall into that Error, becauſe the People had a ſort of imaginary and empty Privilege in giving their Suffrages, or that the Senate retain'd a precarious and ſham Authority of eſtabliſhing Laws, ſince in thoſe Times there were yet remaining, as *Tacitus* very wiſely obſerves, *Veſtigia morientis libertatis*; whence *Juvenal* [5], ſpeaking of the People of *Rome*, ſaid very truly, that they who formerly gave the Empire the *Faſces*, the Legions, and all, in his Time, coveted nothing but only *Panem & Circenſes*.

HOWEVER 'tis true, that the Emperors being ſolicitous to keep up the ſame Appearance of a Commonwealth, did not uſurp the Sovereignty all at once, but by little and little, and in the Courſe of many Years became afterwards real Monarchs; ſince the Senate of *Rome* after the Civil Wars, having, either out of Fear or Flattery, conferr'd the Title of Emperor on *Julius Cæſar*: that Surname, or Title of Honour was afterwards continu'd by *Auguſtus* and his Succeſſors, which they found was very well adapted to their Deſigns, taking it in a double Senſe, and jumbling the two Significations of it together, the firſt of which gave them the pure Command in the higheſt Degree; ſuch as the Military Command of the General of an Army, and the other render'd their Charge perpetual, and continual in all Places; it was not ſo with regard to the other Offices of the *Roman* Commonwealth. And although in the Beginning, theſe Emperors appear'd to be ſatisfied with the abſolute Military Command, and to be exempted from the Forms to which the ordinary Magiſtrates were confin'd, by Subjection to the Sovereignty of the Commonwealth, nevertheleſs they commanded abſolutely, and diſpos'd of the Commonwealth at their Pleaſure, for which Cauſe *Suetonius* calls their Command *Speciem Principatus* [6].

ALTHOUGH the firſt Emperors uſurp'd ſo great Authority, there were ſtill ſome Remains of ancient Liberty preſerv'd, while the Commonwealth was drooping, after which, by degrees, all Remembrance of it vaniſh'd; 'tis not to be doubted, but that the ſucceeding Emperors exercis'd, independently, the Character and abſolute Power of true Monarchs, and Sovereign Princes; and thoſe who afterwards ſettled in the Eaſt, a conquer'd Country, carry'd it higher.

SUCH a Power then being lodg'd in the Prince, his Pleaſure was a Law; but by a cunning Politick, they called theſe their Decrees, Edicts or Conſtitutions, and not Laws, ſeeming willing to leave to the People the Power of making Laws [7]: Theſe Conſtitutions of the Princes were not of one ſort, but differ'd by the End or Occaſion which the Prince had when he made them. Some were call'd Edicts, and then the Prince, of himſelf, was mov'd to publiſh ſome general Order for the Profit and Good of his Subjects, directing them either to the People or Provincials, or, which was more frequent, to the *Præfectus Prætorio.* Others were call'd *Reſcripta*, which were iſſu'd by the Emperors at the Deſire of the Magiſtrates, or at the Requeſt of private Men. Some of theſe were likewiſe call'd *Epiſtolæ*, and that was when the Prince gave Anſwer to private Men according to their Claim; and thoſe were alſo call'd *Epiſtolæ*, which upon the like Occaſion he ſometimes directed to the Senate, to the Conſuls, Prætors, Tribunes, and to the *Præfecti Prætorio.* There were alſo ſome that were call'd *Orationes*, directed to the Senate, by which the Emperors confirm'd the Decrees of the Senate, and were often ſent alſo at the Deſire of the Senate, or of the Senate and People together. Conſtitutions were likewiſe nam'd *Decreta*, which were pronounc'd upon Acts made in the Prince's Council; which was, when the Prince took Cognizance of the Cauſe himſelf, heard the Parties, and pronounc'd Decree. This was a commendable Cuſtom of the Emperors, never enough extoll'd by all the Authors of the *Auguſtan* Hiſtory; many Examples of which we have in the *Theodoſian* Code[1]; there's alſo another very elegant one in the Pandects of *Juſtinian*[2]. And theſe Decrees, although given in particular Caſes, yet by the Dignity and eminent Station of the Perſon who pronounc'd them, they had, in like Caſes, the Force and Vigour of Laws[3].

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[1] Dio, lib. 53.

[2] Suet. in Tiber. cap. 30.

[3] Appian. Alexan. in Proœm. Hiſt.

[4] Dio, lib. 53.

[5] Juven. Sat. 10.

[6] Loyſeau des Seigneuries, cap. 2. num. 26. See Bodin. lib. 1. de Rep. cap. 8.

[7] Loyſeau loc. cit.

WE read likewiſe in the *Theodoſian*[4] Code, ſome Conſtitutions call'd *Pragmaticæ*, pronounc'd on Occaſion of Demands ſent from ſome Province, City, or College, and the Prince order'd what he thought convenient; which, when he commanded any thing to be done, were call'd *Juſſiones*; when he forbid the doing any thing, they were call'd *Sanctiones.* In fine, there were others which were call'd *Mandata Principis*, and were, for the moſt part, Injunctions, directed to the Governors of Provinces, Tax-Maſters, Inſpectors, Tribunes, and ſome other Officers, on Account of ſome of their Occaſions, which for the Good and Quiet of the Province, requir'd ſpecial Proviſion; of which Injunctions there is an entire Title in the *Theodoſian* Code[5].

All theſe ſorts of Conſtitutions of which the *Juſtinian* and *Theodoſian* Codes are full, were by *Ulpianus*[6] confin'd to three Sorts, to wit, *Edicta*, *Decreta*, and *Epiſtolæ*; and alſo *Juſtinian* himſelf did the ſame[7], by reſtricting them likewiſe to theſe three.

IT was a wonderful Thing, that of all theſe *Roman* Emperors, who govern'd the Empire down to *Conſtantine*, ſome of them being wicked, cruel, and rather Monſters than of human Kind; ſuch as *Nero*, *Domitian*, *Commodus*, *Heliogabalus*, *Caracalla*, and others; their Conſtitutions neverthelеſs ſhone with Wiſdom, Juſtice, and Gravity; all of them wiſe, prudent, elegant, ſhort, weighty, and quite different from thoſe prolix ones, which by *Conſtantine*, and his Succeſſors, were afterwards publiſh'd, being fitter for Orators than Princes[8]; which was owing to nothing elſe, but the laudable Cuſtom they had in making uſe of the Works of the famous Civilians, without whoſe Advice nothing was done, either in the Government of the Commonwealth, or in any other ſerious Matters. For which Reaſon the *Juſtinian* Code ought to be more eſteem'd by us than the *Theodoſian*; foraſmuch as *Juſtinian* compil'd likewiſe the Conſtitutions of the Emperors before *Conſtantine*, which *Theodoſius* did not, who only collected thoſe of the Princes from *Conſtantine the Great*, down to his own Time: Wherefore we likewiſe obſerve, that ſome Conſtitutions, of which the Civilians make mention in the *Pandectæ*, are to be found in the *Juſtinian* Code, but not at all in that of *Theodoſius.*

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[1] L. ult. C. Th. qui bonis cedere, &c. L. ult. de off. judic. lib. 1. de his, qui admin. lib. 5. & 8. de fide teſt.

[2] L. 3. D. de his, qui in teſtam. del.

[3] L. 1. §. 1. D. de Conſt. Prin. l. ult. C. de legib.

[4] L. 3. C. Th. de decur. & ſilent. l. 36. de ann. & trib. l. 52. de Hæreticis.

[5] C. Th. de Mandatis Principum.

[6] L. 1. D. de Conſt. Princ.

[7] Juſtit. lib. 1. tit. 2. §. ſed & quod principi.

[8] Arth. Duck lib. 1. cap. 3. num. 9. & 10.

CHAP. IX.

Of the Papirian, Gregorian, *and* Hermogenian *Codes.*

THE Conſtitutions of thoſe Princes who flouriſh'd after *Auguſtus*, down to *Conſtantine the Great*, were, for their Excellency collected into certain *Codes*. The firſt Collection, altho' not Univerſal of all the preceding Princes, ſeeing they have not been tranſmitted to us, was that, which *Papirius Juſtus* made of the Conſtitutions of *Verus* and *Antoninus*, which famous Civilian, whom *Juſtinianus* mentions in his *Pandectæ*, flouriſh'd in the Time of *Septimius Severus*, and compil'd the Conſtitutions of theſe two Brothers, dividing them into Twenty Books [1]. *Jacobus Labittus* [2], in his ingenious and moſt uſeful Work *de indice Legum*, makes a Catalogue of all the Laws which *Tribonianus* collected out of theſe Twenty Books of *Papirius*. Neither do we find that there were any other made afterwards, except theſe two of *Gregorius* and *Hermogenianus* the Civilians, who flouriſh'd under *Conſtantine the Great* and his Sons, and from them the two *Codes* took the Names of *Gregorian* and *Hermogenian*. In theſe two *Codes* were collected the Conſtitutions of ſeveral Princes, beginning with the Emperor *Adrian* down to *Conſtantine*; ſince, in the *Gregorian* Code, there is related a Conſtitution under the Conſulſhip of *Diocleſian* in the Year 296, ten Years before the Empire of *Conſtantine* [3]. Theſe two Civilians propos'd the ſame Epocha, and both of them, in their *Codes*, collected the Conſtitutions of theſe Princes promiſcuouſly, who reign'd from *Adrian* to the Time of *Conſtantine the Great*, which is manifeſt from the Laws contain'd in them; whence *Jacobus Gotifredus* [4] deſervedly blames *Cujacius* for an Error, in his affirming that *Gregorius* and *Hermogenianus* intended different Epochas, and that, in their Codes, they relate the Conſtitutions of ſeveral Princes, not promiſcuouſly, as they really did, but that ſome were related by *Gregorius*, and ſome others by *Hermogenianus*.

JACOBUS GOTIFREDUS, not without Reaſon, believ'd, that theſe Civilians did begin their Collection from *Adrian*, and not from the preceding Princes, becauſe *Adrian* was believ'd to be the Author of a certain new *Juriſprudentia*, by his famous *Edictum perpetuum*, which he eſtabliſh'd; the Matter and Order of which ſerv'd for a Standard and Model of Juriſprudence; and it is the moſt excellent Body of the *Roman* Law, which we have at this Day: And which is a manifeſt Sign of it, *Hermogenianus* himſelf [5], in his epitomiz'd Books, the Remains of which we owe to *Juſtinian*, propoſes to follow the ſame Order of the *Edictum perpetuum*. The Order was very ſingular and remarkable, into which he put the Adminiſtration of Publick and Court Offices, and alſo the Military Affairs, which Order was conſtantly obſerv'd to the Reign of *Conſtantine*, who began to change it; and afterwards, in the Time of *Theodoſius the Younger*, it was totally chang'd, and the Juriſprudence had a quite different Aſpect, as ſhall be ſeen in the Courſe of this Hiſtory. Neither doth it appear unlikely, what *Gotifredus* [6] ſuſpects, that theſe *Codes*, in the Time of *Conſtantine* and his Sons, who were Chriſtian

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[1] Jacob. Got. prologom. ad C. Th. cap. 1. Angel. Polit. ep. 9. lib. 5. ad Jacob. modeſtum.

[2] Jacobus Labittus in indice Legum.

[3] Jacob. Got. in prologom. ad C. Th. cap. 1.

[4] Jacob. Gotifr. loco cit.

[5] Hermog. lib. 2. D. de Statu hom.

[6] Got. loc. cit.

Emperors, were made uſe of by theſe Heathen Civilians, at leaſt to retain ſome Shew of ancient Juriſprudence; ſince that by the new Laws, which by them, and other Chriſtian Emperors were frequently publiſh'd, a remarkable Change appear'd in it; and that there were ſuch Heathen Civilians in the Time of *Conſtantine* and his Sons, the laudable *Gotifredus*, upon very ſtrong Conjectures, aſſures us.

HOWEVER 'tis uncertain, whether it was by publick or private Authority that *Gregorius* and *Hermogenianus* compos'd theſe two *Codes*: A Place in *Egineta*, related by *Gotifredus*, would perſuade us to believe, that they were written by private Authority: But be that as it will, 'tis certain that the Authority of theſe *Codes* was very great, and they were publickly receiv'd; ſo that the Advocates and Writers of theſe Times, and much later, whenever they had occaſion to cite any Conſtitution, made uſe of all their Books. St. *Auguſtine* [1] took the Advantage of them, as is plain, in *Lib.* 2. *ad Pollentium*, where he cites a Conſtitution of *Antoninus* from the *Gregorian* Code, which had been neglected in the *Juſtinian*. The Author of the Compariſon between the *Moſaick* and the *Roman* Laws likewiſe made uſe of them, who, according to *Freherus* [2] and *Gotifredus* [3], flouriſh'd in the Sixth Century, ſooner therefore than *Juſtinian*, and in the ſame Age with *Caſſiodorus*: By him likewiſe is cited a Conſtitution of *Diocleſian*'s from the *Gregorian* Code, *Lib.* 5. *de Nuptiis*; part of which was inſerted by *Juſtinian* in his Code [4]; and from the ſame *Gregorian* Code there is another reported, marking alſo the Conſulſhip of *Diocleſian* in the Year 296. The Author of that ancient Compariſon likewiſe makes uſe of them, which being preſerv'd from the Injury of Time, by the Induſtry of *Cujacius*, are to be read among his own Works, in citing the *Hermogenian* Code, *Lib.* 2. *de Calumniatoribus*. And laſtly *Tribonianus* makes uſe of them, who from theſe two *Codes*, and that of *Theodoſius*, compos'd his own by the Order of *Juſtinian*. Beſides, the Author of the ſaid old Compariſon, *Papinianus* in his Book of Anſwers, and other Writers of latter Times, as ſhall be told in its Place, made uſe of the Compendium of them. Of theſe two *Codes*, there are ſcarcely any Remains left us, but ſome Fragments, which by the Toil of *Tribonianus* have reach'd us, and which are owing purely to the Care of *Cujacius*.

AS for the Compiling of the *Theodoſian Code*, it being made many Years after the Time of *Theodoſius the Younger*, we ſhall have Occaſion to treat of it at large, when we come to ſpeak of the famous Deeds of that Prince.

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[1] S. Auguſt. lib. 2. ad Pollentium, de Adulterio, cap. 8.

[2] Freherus pareg. 9.

[3] Got. in prolog. cap. 3.

[4] L. 7. C. de inceſt. nupt.

CHAP.

CHAP. X.

Of the ACADEMIES.

NOT only in theſe moſt flouriſhing Times, and eſpecially under the Emperor *Adrian*, by ſo many famous Civilians, and by the Wiſdom of that Prince, by his Edict, and by ſo many Conſtitutions of the other moſt knowing Princes, was the Juriſprudence, and the Study of it, in its greateſt Splendor, and at the Height of its Greatneſs; but the two celebrated Academies of the World, that of *Rome* in the Weſt call'd the *Athenæum*, and the *Schola* of *Berytis* in the Eaſt, were likewiſe two bright Ornaments of it.

SECT. I.

Of the ACADEMY *of* ROME *in the Weſt.*

BEFORE *Adrian*, there were no publick Academies in the famous City of *Rome*. The Maſters taught in their private Chambers, which they call'd *Pergulæ*; there it was the Youth were train'd up [1]: and the Civilians themſelves, beſides their commendable Employments of Interpreting, Writing, Anſwering, Conſulting, and others above-mention'd, uſed to teach the Civil Law to the Youth in their Houſes: And *Cicero* tells of himſelf, that he was employ'd in theſe Studies under the Diſcipline of *Q. Scævola*, Son of *Publius*, altho', as he ſays, *Nemini ad docendum ſe dabat* [2]. *Labeo* [3] divided the Year thus; ſix Months were employ'd in *Rome* by the Students, in learning of him the Legal Diſcipline, and the other ſix Months he retired to his Country Houſe to compoſe Books, of which he left four hundred Volumes. *Sabinus*, as *Pomponius* relates [4], not having Means ſufficient of his own, was often ſupply'd by his Scholars; *Huic nec amplæ Facultates fuerunt: ſed plurimum a ſuis auditoribus ſuſtentatus eſt*; and ſo it was practis'd in other Profeſſions, as the Mathematicks, for which we have the Teſtimony of *Suetonius* [5], and for Grammar, we have the Author of the illuſtrious Grammarians.

ADRIAN was the firſt, who in the eighth Region of the *Forum Romanum*, founded the *Athenæum*, where Diſcipline and Learning were publickly taught; and that Place, which is ſituated at the Foot of the *Aventine* Hill, retains the Memory of the *Greek* Schools to this Day [6], foraſmuch as the Profeſſion of the *Latin* Eloquence was no leſs ſtudied there than that of the *Grecian*, and the *Rhetoricians* and *Latin* Poets had their Stations there as well as the *Grecian*. *Dio* [7], *Lampridius*, *Capitolinus*, *Gordianus*, and *Simmacus* [8], make honourable mention of this *Athenæum*.

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[1] Sueton. in Craſſitio Grammatico.

[2] Bud. in Annot. ad Pan. L. 1. de juſt. & jur.

[3] L. 2. D. de or. jur.

[4] Cit. L. 2. D. de orig. jur.

[5] Sueton. in Auguſto.

[6] Jacob. Got. in C. Th. lib. 1. de Medic.

[7] Dio in Juliano, Lampr. in Alex. Severo. Capitol. in Pertinace.

[8] Simmac. lib. 1. epiſt. 15.

ALEXANDER SEVERUS enlarg'd it, and put it in a more noble Form. He eſtabliſh'd Salaries for the *Rhetoricians*, *Phyſicians*, *Grammarians*, and all the other Profeſſors. He inſtituted the publick *Auditoria*, and allotted ſome Revenues to the Students, whoſe Parents were Poor, in order to make them ingenious [1]. The *Romans* did not make theſe Men of Letters an Order by themſelves, but they were reckon'd of the third Rank; and they had not ſo many Perſons as we have, who took themſelves to Learning as their Profeſſion or ſpecial Calling [2]. Next to the few they had of them, were thoſe of the Military Profeſſion, which in a manner were perpetual Employments; ſo that they were had in more Eſteem with them, than with us, and they honour'd them with very great Privileges, as may be ſeen in the *Theodoſian Code.*

SO that by the Renown of that famous Academy, the Youth from all Parts flock'd to *Rome*, in great Numbers, to acquire Learning, and eſpecially the Legal Diſcipline. It was not our Provinces, which now make the Kingdom of *Naples*, only, which ſent their Youth to ſtudy in *Rome*, but likewiſe thoſe more remote and diſtant; they came not only from *France*, but alſo from *Greece* and *Africa*. There are yet ſome Veſtiges remaining in our Pandects, which aſſure us of the Cuſtom of ſending our Youth to ſtudy in *Rome*: We have an Advice of *Scevola*'s, in favour of a young Man, who *Studiorum cauſa Romæ agebat*, reported by *Ulpianus* [3], who was likewiſe ſpeaking of the Proviſion which was ordinarily given by Fathers to their Sons when they ſent them to *Rome* to ſtudy: and this ſame Civilian [4] elſewhere makes mention of that Cuſtom of ſending the Youth to ſtudy in *Rome*; of which alſo *Modeſtinus* [5], and others of our Civilians give an Account. And the *Grecian* Youth came to *Rome*, particularly to ſtudy the Laws; whence it was, that the impudent Luſt of *Domitian* was likewiſe made notorious, who cauſed *Arca* to be impriſon'd, a comely Youth, who came from *Arcadia* to *Rome* to learn the Juriſprudence, only becauſe, by a rare and memorable Example, he would not conſent to his unchaſte Deſires [6]; for which the Youth, according as *Philoſtratus* [7] has it, all in Tears, blam'd his Father, becauſe he could have been taught the *Grecian* Learning in *Arcadia*, but he would ſend him to *Rome* to learn the Laws. The *Greeks* themſelves, who are not uſually ſatiſfied but with themſelves, and their own Things, were even oblig'd to confeſs, that from the *Roman* Laws only, was to be learn'd a juſt and upright Rule of Manners; whence *Dio Chryſoſtomus* [8] haranguing the *Corinthians*, and endeavouring to perſuade them, that he having been long in *Rome*, with the Emperor *Trajan*, had always liv'd vertuouſly, made uſe of this Argument; That he being in *Rome*, had been in the Center of the Laws, and thoſe who converſ'd in them could not go aſtray. They came likewiſe from *Africa*, as in the latter Times the incomparable *Auguſtine* [9] teſtifies of *Alipius*, of whom he ſays, that *Romam proceſſerat, ut jus diſceret.* From *France*, and the other Weſtern Provinces in Times leſs remote from us, the Concourſe of Youth was frequent in *Rome* for ſtudying the Laws. Of *Germanus* Biſhop of *Auxerre*, *Henry* of *Auxerre* in his Verſes [10] witneſſeth. And *Conſtantius* in his Life ſays [11], *Poſt auditoria Gallicana, intra Urbem Romam juris Scientiam plenitudini perfectionis adjecit. Rutilius Numatianus* [12], ſpeaking of *Palladius* a noble *French* Youth, ſays, that he had been ſent to *Rome* to learn the Laws;

Facundis Juvenis, Gallorum nuper abarvis
Miſſus Romani diſcere jura fori.

AND *Sidonius* [13] *Apollinaris* perſuaded *Eutropius*, to go to *Rome* to learn the Law, for which Cauſe he call'd it *Domicilium Legum*: Whence not only from the

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[1] Lampr. in Alex. Severo.

[2] Loyſeau des ordres, cap. 8.

[3] Ulpian. L. cum filius, D. de reb. credit.

[4] Ulpian. L. Longius, §. ult. D. de judic.

[5] Modeſtinus, L. Titto, D. ad Munic.

[6] Alteſer. rer. Aquitan. lib. 3. cap. 5.

[7] Philoſt. lib. 7. de vit. Apoll. cap. 17.

[8] Dio Chryſoſt. orat. 87. Alteſ. loc. cit.

[9] Auguſt. lib. 6. Conf. cap. 8.

[10] Erric. Altiſſiodor. lib. 1. de vita S. Germ.

Incitus his animus, talique cupidine raptus
Qua caput eſt orbis terrarum maxima Roma
Tendit iter, Latii nodos addiſcere juris,
Et didicit, palmamque brevi tulit ille laboris.

[11] Conſtant. in vita S. Germani, cap. 1.

[12] Rutil. Numat. lib. 1. itine.

[13] Sidon. lib. 1, epiſt. 6.

Writers of thoſe Times, but alſo from the ſucceeding, did *Rome* deſerve theſe Encomiums, not only for Juriſprudence, but likewiſe for Eloquence, and all other Diſcipline. Thus we read in *Claudian*, that *Rome* was call'd *Armorum, Legumque Parentem, quæ prima dedit cunabula juris*[1]; and elſewhere, *Legum Genetricem*: and by *Simmachus*, *Latiaris facundiæ domicilium*[2]; and *Ennodius*, *Hierom*, *Caſſiodorus*, and many other Writers gave her ſuch like Epithets.

SO great was the Care and Study of the Emperors, to be watchful over the Decorum and Re-eſtabliſhment of that Academy, that in the Time of *Valentinian the Elder*, *Rome* being now decay'd in its ancient Splendor, and the Youth being given to all ſorts of Luxury and Vice, inſomuch that the Academy was much fallen from its Inſtitution, and many Abuſes having crept into it, that Prince, who had the Care of the Exerciſes of *Rome* much at heart, thought of redreſſing theſe Diſorders: He publiſh'd there for that end, that famous Conſtitution, which in the Year 370. he directed to *Olibrius*, Præfect of that City, part of which may be yet read in the *Theodoſian Code*[3], where he eſtabliſh'd eleven Academical Laws for redreſſing ſo many Abuſes, of which in a more proper Place I ſhall ſpeak: So that being reſtor'd by theſe Laws, it might, for a long time after, maintain its Splendor, and draw to it ſelf, as before, the Youth from all Parts of the Weſt for attaining Learning, and eſpecially the Juriſprudence. So in the Time of *Theodorick* the *Oſtrogoth*, we ſee the Cuſtom of ſending the Youth to *Rome* for Inſtruction continu'd; but he would not allow them to return home, until they had compleated their Studies in that City. In effect, he deny'd ſuch a Licenſe to *Philagrius*, altho' he deſerved well at his Hands, who having ſent ſome Nephews to *Rome* to ſtudy, and being about to recal them, he order'd *Feſtus* to hinder them from departing, extolling mightily the Reſidence in *Rome* for Youth; *Nulli ſit ingrata Roma, quæ dici non poteſt aliena: illa eloquentiæ fœcunda mater: illa virtutum omnium Latiſſimum Templum*[4]. He deny'd it likewiſe to *Valerianus*, who had ſent his Sons to ſtudy at *Rome*; he wrote to *Simmachus* not to let them go[5]. The ſame Injunction was continu'd by *Athalarick* his Nephew, who, imitating *Valentinian*, took ſpecial Care of it; and we read yet in *Caſſiodorus*[6], a Letter he wrote for that purpoſe to the Senate of *Rome*, in which he enjoyn'd the Studies, and re-eſtabliſh'd the uſual Salaries, for thoſe who taught in that Academy; in which, beſides the Grammarians, Orators, and other Profeſſors, there were Expoſitors of the Laws; by which new Reſtoration, *Rome* might afterwards, and alſo in the moſt barbarous Times, deſerve thoſe Honours and Encomiums, which moſt of the Writers of that low Age gave it, which are collected by *Savaro* on *Sidonius Apollinaris*[7].

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[1] Claudian. in Panegyr. 3. Stiliconis.

[2] Simmac. lib. 8. epiſt. 68.

[3] C. Th. L. 1. C. de ſtudiis liberalibus urbis Romæ.

[4] Caſſiodor. lib. 1. var. ep. 39.

[5] Caſſiodor. lib. 4. cap. 6.

[6] Caſſiodor. lib. 9. cap. 21.

[7] Savaro in Sidon. lib. 1. ep. 6.

SECT. II.

Of the ACADEMY *of* BERYTIS *in the Eaſt.*

B*ERYTIS*, a City in *Phœnicia* in the Eaſt, was ſo deſerving at the Hands of *Theodoſius the Younger*, that he adorn'd it with the Title of Metropolis of *Phœnicia*, as he did *Tyre*: A City no leſs famous for the Study of the Laws in the Eaſt, than *Rome* in the Weſt; and as the Civil Law was taught at *Rome* in *Latin*, ſo it was at *Berytis* in *Greek*. On account of the famous Academy eſtabliſh'd here, it was call'd the *City of Laws*, becauſe it repleniſh'd the World with them. By whom this Academy was inſtituted is not certainly known: 'Tis beyond all Diſpute, that it flouriſh'd a long Time before the Reign of *Diocleſian* the Emperor, as is manifeſt from a Decree of that Emperor, which we ſee in the *Juſtinian* Code[1], directed to *Severinus*, and other Scholars in *Arabia*; who, for learning the legal Diſcipline, ſtay'd in *Berytis*.

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[1] L. 1. C. qui ætat. vel profeſſ. ſe excuſ. lib. 10.

ALL the Youth of the Provinces in the Eaſt flock'd to this City, as to the Manſion-houſe of the Laws. A moſt clear Teſtimony of which, is that which *Gregorius Thaumaturgus*, Biſhop of *Neocæſarea*, gives us in the Panegyrical Oration on *Origen* [1], where he tells, that he had learn'd the *Roman* Juriſprudence in the Academy of *Berytis*, famous for the Study of all Profeſſions, but particularly for that of the Law. Neither was the Fame of this Academy leſs under *Conſtantius* and *Conſtans* about the Year of Chriſt 350. The ancient Geographer [2] (which Author we owe to the Diligence of the learned Civilian *G. Gotifredus*) who flouriſh'd at the ſame time, ſpeaking of the City of *Berytis*, and of the Academy of the Laws, ſays thus, according to the ancient *Latin* Tranſlation; *Berytus Civitas valde delitioſa, & Auditoria legum habens, per quæ omnia judicia Romanorum. Inde enim viri docti in omnem orbem terrarum adſident judicibus, & Scientes Leges cuſtodiunt Provincias, quibus mittuntur Legum ordinationes.* For which Cauſe, *Nonnus* [3], in his *Dionyſiacks*, ſaid, That *Berytis* fill'd all the World with Laws. *Eunapius* [4] likewiſe, who flouriſh'd under *Conſtantius*, *Zacharias*, *Scholaſticas* [5], and *Libanius* [6], who liv'd under *Valens*, upon the ſame Account, call'd her the Mother of the Laws. And in the Time of *Valens* the Emperor, there was ſuch a Crowd of Youth in that City learning the Laws, that *Libanius* himſelf was ſorry for having neglected the Study of Eloquence for that of the Laws. And *Agathias* [7], ſpeaking of the Ruin of *Berytis*, occaſion'd by an Earthquake which deſtroy'd almoſt the whole City, affirms, that there was a great Slaughter among the Citizens, and thoſe who were learning the Laws of *Rome*. Laſtly, our *Juſtinian* [8] calls *Berytis* the City of the Laws; and in another Place, the Nurſe of them: Whence he caus'd *Dorotheus* and *Anatolius* to come, that they might, jointly with the others, have a Share in compoſing the Digeſts, and would not allow the Explaining of the Laws to any other Academy in the Eaſt, but to thoſe of *Berytis* and *Conſtantinople* (becauſe this laſt was founded in his Time by *Theodoſius the Younger*, in the Year 425.) as in the Weſt to that of *Rome*.

THERE were, in theſe Times, in ſome Cities of the Eaſt, other Academies, where Learning was profeſs'd, as in *Laodicea*, of which *Alexander Severus* makes mention in one of his Conſtitutions, which we read yet in the *Juſtinian Code* [9]. In *Alexandria*, call'd the *Muſæum*, of which *Agathias* ſpeaks [10]; and in *Cæſarea*. So in the Weſt, beſides that famous one at *Rome*, ſome Cities had likewiſe their Schools where Youth were taught. Neither did our *Naples* want; of which, when we come to treat of the Eſtabliſhing of the *Neapolitan* Academy, we ſhall ſpeak; *Frederick* the ſecond, Emperor, was not the firſt who built it from the Foundation, but that City had always been, as the ſame *Frederick* calls it, *Antiqua Mater, & domus ſtudii*; for which Cauſe he was induc'd to renew its ancient Studies, and enlarge it to a more noble and magnificent Form, advancing the *Neapolitan* Academy above all others; and for that End order'd, that the Youth, as well of that Kingdom as thoſe of *Sicily*, ſhould go to *Naples* for learning Diſcipline, of which we ſhall diſcourſe more at large when we come to treat of that Re-eſtabliſhment. There were not wanting Schools in the other *Greek* Cities in theſe our Provinces; but thoſe Schools, while *Rome* flouriſh'd, remain'd obſcure, as ſoon as the *Athenæum* appear'd; and after *Rome* had ſpread its Laws over the whole Empire, the Weſtern Provinces ſent their Youth to that City, as their Mother, to be taught them; as thoſe of the Eaſt ſent theirs to *Berytis*. And theſe leſſer Schools were entirely ſuppreſs'd, when *Juſtinian* gave the Privilege of Explaining the Laws to three Cities only, to wit, the two *Romes*, and *Berytis*; not to *Alexandria* nor *Cæſarea*, nor, in fine, to any other City of the two Empires.

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[1] Gregor. Thaumat. in Paneg. ad Origen. Socrat. lib. 4. cap. 22. Alteſer. rer. Aquitan. lib. 3. cap. 5.

[2] Verus orbis deſcriptio, num. 17. §. 3.

[3] Nonn. lib. 41. Dionyſ. v. 174.

[4] Eunap. in vita pro. pag. 150.

[5] Zaccar. Scholaſt. de Opis. Mund.

[6] Liban. Orat. 26. Apolog. pag. 525. & ep. 329. & 450. ad Anatol.

[7] Agat. lib. 2. Hiſt.

[8] Juſtin. proœm. Dig.

[9] L. 2. C. de incolis.

[10] Agat. lib. 2.

[11] Petr. de vin. lib. 3. cap. 10.

WE ſhall not here mention the Academy of *Conſtantinople*, as being a long time after the Year 425. founded by *Theodoſius the Younger*, and reduc'd into a Form, of which we ſhall give an Eſſay in the following Book of this Hiſtory.

SECT. III.

BEHOLD in what flouriſhing Condition theſe our Provinces were, before the Reign of *Conſtantine*, when every City ſtudied to put in order her own Polity and Government, in Imitation of *Rome*, of which they boaſted of being ſmall Reſemblances and Images: When they liv'd according to their own Laws; and when the *Roman* Juriſprudence, which was their Rule and Pattern, was arriv'd to its Height, and the greateſt Eſteem; if we either conſider the Favour of the Princes, or the Wiſdom of their Decrees, the Knowledge of the Civilians, the Majeſty of the Academies, and the Learning of the Profeſſors, or the Probity of the Magiſtrates. 'Tis well known, that ſome merely out of too great a Love for Novelty, and of being made remarkable by ſome Extravagancy, could not contain themſelves from blaming the *Roman* Laws, as being too ſubtle and far-fetch'd, and often repugnant to good Senſe, and the common Underſtanding of Men. Others again, have preſum'd to examine into, and reject ſome of them, as contrary to Reaſon and Equity. Others have compos'd particular Treatiſes, which *George Paſquius* hath related [1]; and among us the Cardinal *de Luca* hath attempted it likewiſe, in ſeveral long Diſcourſes [2]. But they might eaſily perceive how far they were miſled, who with the weak and ſhort Sight of their Underſtandings, have pretended to impugn a Truth, evident for ſo many Ages, and profeſs'd by the greateſt Men who flouriſh'd when Mankind had reach'd to ſuch an Elevation and Eminency, that the like was never known before, and we don't know that it ſhall ever arrive again to that Sublimity, which was wonderful as long as the *Roman* Empire laſted. The *Romans* gave us wiſe and juſt Laws, as by Experience they are known to be moſt uſeful, conformable to natural Equity, and adapted to civil Society, and human Commerce: If it were allow'd to every one to make himſelf Judge of the Laws, and by his own Judgment and Caprice to give Directions about what might be needful in theſe Matters, we ſhould ſee every Man, by truſting to his own Underſtanding, maintaining his own Opinion, to be equal to that of any other; whence Diſorders and Confuſion, and at laſt, a deplorable Scepticiſm would be introduc'd among us. *Solon* being aſk'd, If he had given the moſt juſt and wiſe Laws to the *Athenians*? anſwer'd, The beſt, having made them moſt ſuitable to their Cuſtoms, and fitted for their Advantage; foraſmuch as the Juſtice and the Knowledge of the Laws depend not on abſtracted and metaphyſical Reaſons, but on their being beneficial to the People, to Commerce and Civil Life, of which the *Romans* for many Ages gave ſufficient Teſtimony; whence it came, that altho' the Empire was ruin'd, yet the Majeſty and Uſe of their Laws was continu'd in the new Dominions that were eſtabliſh'd in *Europe*. The *Utile* and *Honeſtum* are the Rule of Laws, and thoſe will always be found juſt which prove the *Utile* and *Honeſtum* of the People; which deſerves a Treatiſe by itſelf, but 'tis not to our Purpoſe. There are others who fill the World with Complaints againſt the *Romans* on accouut of the Multiplicity of ſo many Laws: That Complaint is not new, but very old, even ſince the Time of the Free-Commonwealth; ſo that *Cæſar* [3] and *Pompey* thought of giving ſome Remedy to it, by reducing the *Roman* Juriſprudence to a certain Order, which could never be put in Practice by ſo famous Men, much leſs can it be expected to be done by others, being an Undertaking altogether impracticable and impoſſible. But theſe Complaints had been better beſtow'd, had they been levell'd at the Depravity of the Manners of Men, their Ambition, and Diſſoluteneſs, than at the Laws; for 'tis very certain that the Multiplicity of Vices are the Cauſe of the Multiplicity of Laws, and the one always produceth the other, whence *Arceſilaus* [4] was wont to ſay, That where there are many Medicines, and many

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[1] Georg. Paſq. de nov. inventis.

[2] Card. de Luca, conflict. legis, & rat.

[3] Sueton. in Jul. cap. 24. Cic. lib. 1. de orat.

[4] Joh. Stob. Sem. 12.

Phyſicians, there are always abundance of Diſeaſes: So where the Laws abound, there is much Injuſtice; nevertheleſs there is not much Injuſtice, and many Vices, becauſe there be many Laws, but there are many Laws becauſe there are many Vices: For to rectify the corrupt Cuſtoms of Men, there was no other Remedy but that of the Laws. The *Roman* Empire had been ruin'd much ſooner, if from Time to Time the Wiſdom of ſome Prince had not given Remedies by means of the Laws. The *Romans* had always many domeſtick Examples before their Eyes, which taught them, that there was no Bridle ſo powerful againſt the Diſſoluteneſs of Men, as the Laws. They well knew, that from the Beginning of their Commonwealth, nothing was more eagerly coveted by the licentious *Roman* Youth, than not to be govern'd by Laws, and that every Thing might be remitted to the King, and to his Determination; and that for no other Reaſon, but that which *Livy* reports with great Elegancy[1]: *Regem*, ſaid they, *hominem eſſe, a quo impetres ubi jus, ubi injuria opus ſit; eſſe gratiæ locum, eſſe beneficio, & iraſci, & ignoſcere poſſe: Inter amicum, & inimicum diſcrimen noſſe. Leges, rem Surdam, inexorabilem eſſe, Salubriorem, melioremque inopi, quam potenti; nihil laxamenti nec veniæ habere, ſi modum exceſſeris: Periculoſum eſſe, in tot humanis erroribus, ſola innocentia vivere.* Sentiments too licentious and hurtful, and directly oppoſite to that which *Ariſtotle* teacheth in his Politicks[2]. Where there is a Commonwealth without Vices, 'tis certainly as wrong to load it with Laws, as it would be to apply Medicines to a ſound Body. But if it be given to Riot and Luxury, and threatens Ruin, there's no other Remedy but to have recourſe to the Laws. And it were much better in that Caſe, that the Commonwealth ſhould abound in Laws, which foreſee and oppoſe themſelves to all Vice[3], than to remit every Thing to the Determination of the Magiſtrates, whoſe Judgments are ſubject to Paſſions, and the Machinations and Snares of Pleaders.

'TIS certainly true, that the Corruption of Manners can't be ſufficiently redreſs'd by the Laws; and in this Caſe, that grave Inſtruction of *Bacon* Lord *Verulam*[4], can't be enough commended, which Princes ought always to have before their Eyes, who ſays, That their greateſt Care and Thoughts ought not to be ſo much about redreſſing of Abuſes and Corruptions by the Laws, as in watching over the Education of the Youth. All the Severity of the Laws ſhould be employ'd about their Education, ſince by that Means the Number of Vices would be in a great meaſure leſſen'd, and conſequently the Number of the Laws. They ſhould be chiefly intent about re-eſtabliſhing and providing the Academies with good Statutes and Profeſſors. Of late we have ſeen ſome Care taken to reſtore the Colleges for the Education of Youth, in which the Jeſuits have been eminent. But now again they begin to fall off from their firſt Diſcipline, we ſee likewiſe the ancient Fervency abated, and all the good Inſtitutions corrupted. Theſe Things require a Cenſor rather than an Hiſtorian; therefore what we have hitherto ſurmiſed being ſufficient for a Preparative to what is to follow, after having given an Account of the Eccleſiaſtical Polity of theſe Ages, we ſhall take a Step to the Reign of *Conſtantine*, from which this Hiſtory takes its Beginning.

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[1] Liv. lib. 1.

[2] Ariſt. lib. 3. Polit.

[3] Georg. Paſq. cap. 5. de var. fortun. doctr. jur. §. 3. Adam. Rupert. in Com. ad Pomp. cap. 6.

[4] Bacon. de Augum Scientia, lib. 1.

CHAP. XI.

Of the Eccleſiaſtical Polity in the Three firſt Centuries.

THE new Chriſtian Religion, which from *Jeſus Chriſt* our Lord, began in the Time of *Octavius Auguſtus* to ſpread itſelf amongſt Men, made known unto us two Powers in this World, by whom it was neceſſary it ſhould be govern'd, the Spiritual and the Temporal[1]. The Spiritual in the Prieſthood or Eccleſiaſtical State, which adminiſters Divine and Sacred Things: The Temporal in the Empire or Monarchy, or the Political State, which governs Human and Prophane Things; each of them having its different Objects: The Princes becauſe they are to take care of worldly Things; the Prieſts of Spiritual. Each having his own Power different and diſtinct; that of the Prince to puniſh or reward with corporal Pain; that of the Prieſts with Spiritual. In ſhort, to each was given his own Power apart; hence, not without Reaſon, the Magiſtrate carries the Sword, and the Prieſts the Keys of the Kingdom of Heaven.

IT was not ſo among the Heathens, who did not acknowledge theſe two Powers in the World as diſtinct and ſeparate; but they conjoin'd them in one ſingle Perſon; whence their Kings were ſole Heads and Governors: And the Reaſon was, becauſe they made Religion only ſerve for the Preſervation of the State, and did not direct it, as we do, to another more ſublime End. Thus among the *Romans* the High Prieſthood continu'd a long Time in the very Perſon of the Emperors[2]; and altho' they had ſeparate Colleges of Prieſts, to whom the Care of their Religion was committed, nevertheleſs, as they us'd it only for the Preſervation of the State, conſequently they were obliged to report their moſt ſerious Deliberations to the Prince as their Head; an Inſtitution which was tranſmitted to them by their Foreſathers, with whom, as *Cicero* ſays[3], *Qui rerum potiebantur, iidem auguria tenebant; ut enim ſapere, ſic divinare, regale ducebatur.* Hence *Virgil*[4] thus ſings of King *Annius*.

Rex Annius, Rex idem hominum, Phœbique Sacerdos.

WE ſee the ſame Cuſtom among the ancient *Grecians*, whom *Homer* repreſenteth to us, where the Heroes, that is to ſay the Princes, were thoſe who offer'd Sacrifice: *Plato* gives the ſame Account of the *Athenians*, and many of the Cities of *Greece*: Among the *Ethiopians*, as *Diodorus* writeth, the Kings were the Prieſts: So likewiſe among the *Egyptians* as *Plutarch* hath it; and among the *Spartans* acccording to *Herodotus*[5].

BUT among Chriſtians, Religion is not directed for the Preſervation of the State, and the Quiet of this World, but to a more ſublime End, which regardeth Eternal Life, and reſpecteth God, and not Man; whence among us the Prieſthood is accounted ſo much higher and nobler than the Empire, by how much Divine Things are ſuperior to Human; and as the Soul is more noble than the Body and Temporal Things. But on the other hand, the Sword having been given by God to the Empire for governing Worldly Things, that Power hath become ſtronger in itſelf, that is to ſay in this World, than the Spiritual Power given by God to the Prieſthood, to whom the Uſe of the material Sword is forbidden; ſince it hath for its Object only Spiritual and not Senſible Things, and the principal Effect of its Power is reſerv'd to Heaven; as our gracious Redeemer teſtifieth, by ſaying, That his Kingdom is not of this World, and that if it were, his People would fight for him.

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[1] Novel. 6. Can. duo ſunt 96. Diſt. can. Quoniam, Diſt. 10. & can. principes, Cauſ. 23. Quæſt. 5.

[2] Dio lib. 54. Anaſt. Germon. lib. 1. de ſacr. immun. cap. 9. num. 3.

[3] Cic. de Divin.

[4] Virgil. lib. 3. ver. 80.

[5] Grot. de imperio ſumm. poteſt. cap. 2. num. 4.

THESE two Powers being acknowledg'd amongſt us as Proceeding from the ſame Principle, which is God, from whom all Power is deriv'd, and terminating in the ſame End, which is Beatitude, the true End of Man; 'tis neceſſary that they ſhould have a Correſpondence and Concord together [1], that is to ſay, a Harmony and Agreement compos'd of different Materials, by communicating mutually their Virtue and Energy; ſo as that the Empire may aſſiſt the Prieſthood with its Force for maintaining the Honour of God; and the Prieſthood on its ſide, may bind and unite the Affections of the People to the Obedience of the Prince; thus all the State will be happy and flouriſhing: On the contrary, if theſe two Powers diſagree amongſt themſelves; and if the Prieſthood by abuſing the Devotion of the People, ſhould incroach upon the Empire, or Political and Temporal Government; or if the Empire, by turning that Force againſt God, which he hath put into its Hands, ſhould incroach upon the Prieſthood; all will go into Diſorder, Confuſion, and Ruin.

IT is God, who hath put theſe two Powers in different Hands, and hath made them both Sovereign in their Kind, that the one might ſerve as a Counterpoiſe to the other, for fear that their unbounded Sovereignty might degenerate into Irregularity and Tyranny. As it happens when the Temporal Sovereignty infringeth the Laws of God, the Spiritual oppoſeth it immediately; and in like manner, the Temporal withſtandeth the Spiritual [2], which is moſt acceptable to God when 'tis done in a lawful Way, and eſpecially when 'tis done directly and purely for his Service and the Publick Good, and not for Self-intereſt, and the one incroaching upon the other.

AND ſince theſe two Powers of Neceſſity meet together in all Places, and at all Times, and ordinarily in different Perſons; and beſides they being Sovereign in their kind, the one quite independant of the other; Infinite Wiſdom, for preventing the extreme Diſorder which is occaſion'd by their Diſagreement, hath fix'd ſuch firm Limits, and put ſuch viſible Partitions betwixt them, that whoever gives but the leaſt way to his Reaſon, may eaſily perceive what belongeth to the one and the other; for what is more eaſily diſtinguiſh'd than Things Sacred from Prophane, and Spiritual from Temporal? There's no more requir'd, than to put in practice that beautiful Rule which our Saviour pronounc'd from his own Mouth, *Reddite quæ ſunt Cæſaris Cæſari, & quæ ſunt Dei Deo.* An Inſtruction ſhort enough, but very elegant and clear; becauſe, when the Care of Souls and Holy Things belongs to the Prieſthood, the Monarch himſelf muſt ſubmit in that which directly concerneth Religion, and the Worſhip of God, if he perceiveth that he hath a Soul, and would be number'd among the Sons of God and the Church: Manifeſt and famous is the Example of the Emperor *Theodoſius*, who yielded to the Cenſure of a ſimple Archbiſhop, and perform'd the Publick Penance which was injoin'd him: The Example of *David* likewiſe teſtifieth it, *Qui & ſi regali unctione Sacerdotibus, & Prophetis præ erat in cauſis ſæculi, tamen ſuberat eis in cauſis Dei* [3].

AND reciprocally, ſince the Government of Temporal Things belongeth to Princes, and the Church being in the Commonwealth, as *Optatus Milevitanus* ſaith, and the Commonwealth not in the Church, it behoveth that all the Eccleſiaſticks, and likewiſe the Prelates of the Church, obey the Secular Magiſtrate in Matters of Civil Polity [4]. *Si omnis anima poteſtatibus ſubdita eſt ergo, & veſtra* (ſaith S. *Bernard* [5] and *Henry* Archbiſhop of *Sens*) *quis vos excepit ab univerſitate? Certè, qui tentat excipere, tentat decipere*; and S. *Jo. Chryſoſtom* explaining the Paſſage of S. *Paul*: *Omnis anima poteſtatibus ſublimioribus ſubdita eſt*, ſaith he, *etiam ſi fueris Apoſtolus, Evangeliſta, Propheta, Sacerdos, Monachus, hoc vero pietatem non lædit* [6].

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[1] Novel. 42. Juſt.

[2] Loyſeau des ſeign. cap. 15. num. 4.

[3] Can. 41. §. Item cum David. cauſ. 2. qu. 7.

[4] Du Pin. de Antiq. Eccl. diſc. diſſ. 7.

[5] Bern. ep. 42.

[6] Chryſoſt. ad ep. Paul. ad Rom. 13.

In ſhort, S. *Gregory the Great*, Pope, [1] *Agnoſco*, ſaith he, *Imperatorem a Deo conceſſum, non militibus ſolum, ſed & ſacerdotibus dominari.*

SEEING then the Diſtinction of theſe two Powers is ſo important, it is very neceſſary to give them different Names; that is to ſay, thoſe who have the Eccleſiaſtical Power, are call'd *Paſtors* and *Prelates*, and thoſe who poſſeſs the Temporal, are call'd *Lords* and *Rulers*; an Appellation forbidden to the Eccleſiaſticks from the very Mouth of our Saviour, who at two different times, that is, in the Demands of the Sons of *Zebedee*, and in the Diſpute which aroſe amongſt the Apoſtles about Precedency, a little before his Paſſion, repeated to them this Leſſon; *Principes gentium dominantur eorum, vos autem non ſic, &c.* A Leſſon which St. *Peter* hath collected in his firſt Epiſtle, ſaying to the Biſhops; *Paſcite, qui in vobis eſt, gregem Dei, non ut dominantes in Cleris, ſed forma facti gregis*; that is to ſay, Eſtabliſh'd in the Form of a Flock, whoſe Shepherd is not the Lord and Proprietor, but the Miniſter and Governor only [2]. So ſaith God; *Paſce oves meas*, and not *tuas* [3].

AND truly the Eccleſiaſtical Power being directed to Spiritual and Divine Things, which are not properly of this World, can't belong to Men in Property, nor direct Dominion, as worldly Things do, but only for Exerciſe and Adminiſtration; ſo that God (who is ſole Maſter and Lord of our Souls) committeth to them that ſupernatural Power, to exerciſe it viſibly in this World, in his Name and Authority, as his Deputies and Lieutenants, every one in his own Hierarchic Degree, juſt as in the Civil Polity, many Officers, being ſubordinate one to another, exerciſe the Power of their ſupreme Lord.

ALL this is ſaid only in order to explain the Propriety of the Terms of the Subject of this Work, not at all to diminiſh, in the leaſt, the Eccleſiaſtical Power, which, on the contrary, relating to God directly, ought to be eſteem'd much more worthy than that of the Princes of the Earth, who in the Beginning had not theirs, but by way of Office and Adminiſtration, the Sovereignty, or to ſpeak more properly, the perfect Liberty belong'd to the State as a collective Body: So in thoſe Days they were only call'd the *Paſtores* of the People, as they are termed by *Homer*; but the Object of their Power, which conſiſteth of worldly Things, being adapted to receive Dominion or Power in Property, they have, long ago, gain'd and obtain'd it in all Countries of the World; and there are a great many of them who have not only acquir'd the publick Dominion, but the private likewiſe, reducing their People to Slavery.

THERE can't be found more authentick Proofs of the Diſtinction betwixt theſe two Sorts of Powers, nor more remarkable Examples of changing the Power both as to Office and Exerciſe, into that of Property and direct Dominion, than that which happen'd to the People of God, when being tir'd with the Government of their Judges, who exerciſed a Sovereignty over them, by Office and Adminiſtration only, they would have a King, who from that time forth had the Sovereignty by direct Dominion; which much offended God, who ſaid to *Samuel*, the laſt of the Judges, They *have not rejected thee, but me, that I may not reign any more over them*; and a little after, *Such ſhall be the Right of the King*, &c. [4]; which ſignifies, that God himſelf was King of that People, and had over them the Property and Power, when they were govern'd by ſimple Judges and Officers [5]; but it ſhall be ſo no more, when they ſhall have a King, who ſhall change that Power into Property. An excellent Inſtruction for Eccleſiaſticks to leave the Property of the Spiritual Power to God, and to content themſelves with the Exerciſe of it, as his Vicegerents and Lieutenants, the higheſt and nobleſt Quality that can be upon Earth.

SUCH is the Diſtinction betwixt Spiritual and Temporal Power, which well demonſtrates, that the one doth not include and produce the other; neither are they ſuperior to one another, but that both are Sovereign or Subaltern, in their Right and in their Kind.

NOTWITHSTANDING, this Diſtinction hindreth not, but that the one, and the other, may reſide in the ſame Perſon, and ſometimes, which is more, on

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[1] S. Greg. lib. 2. ep. 94.

[2] Loyſeau, loc. cit. num. 10.

[3] Auguſt. ad cap. 21. Joan. Richerius pars 3. axiom. 30. in Apol. pro Joa. Gerſonio.

[4] 1 Reg. 8. ver. 7.

[5] Loyſeau, loc. cit. num. 13.

Account of the ſame Dignity. However, 'tis to be obſerv'd, that when it reſideth in the ſame Dignity, it muſt be an Eccleſiaſtical Dignity, and not a Lordſhip or Temporal Office, ſeeing the Spiritual Power is more Noble than the Temporal: And as it can't depend on, nor be acceſſory to it, ſo neither can it be in the Perſon of a Laick, to whom ordinarily belongeth the Temporal Power; and above all, the Spiritual Power cannot be held by direct Dominion, nor convey'd by Succeſſion, nor poſſeſs'd hereditarily as Temporal Dominions.

WHENCE it follows, by the bye, that it was repugnant to common Senſe for the Kings or Queens of *England* to have aſſum'd to themſelves the Supremacy of the Church of *England*, in the ſame manner as they aſſum'd the Secular Power of their Realm, as if the one depended on the other [1]: This proceeded from the particular Spite which *Henry* VIII. had againſt the Pope, who would not approve of his Divorce; for which he was ſo offended, that he refus'd paying, any more, the Tribute which for a long time had been paid by *England*; and which is more, giving way to his unbridled Paſſion, he declar'd himſelf Head of the Church of *England* next to *Jeſus Chriſt*, and oblig'd his Subjects to ſwear, That they acknowledg'd him to be ſupreme Lord, as well in Spiritual as Temporal Matters; a Soleciſm which appear'd plainly afterwards, when his Daughter, Queen *Elizabeth*, came to reign; foraſmuch, as a Woman was then ſeen to be Head of the Church of *England*, and the Spiritual Sovereignty fallen to the Diſtaff.

NOW altho' theſe two Powers have been for ſome time in the ſame Perſons among the People of God, yet it was in ſuch a manner, that the Temporal was always acceſſory to the Prieſthood; but afterwards, when the People would be govern'd by Kings, theſe Kings had not the Spiritual Power; and if at any Time they undertook it, they were ſeverely puniſh'd by God, as is manifeſt by the Hiſtory of *Hoſea* [2]. As for the Heathens, we have ſeen already, that in many Nations the Kings have been Prieſts, by ſubjecting Religion to the State; and they made uſe of it no otherwiſe, than ſo far as it was ſubſervient to the State: But we being inſtructed in better Schools, have been taught to prefer Religion, which reſpecteth God and regardeth Eternal Life, to the State, which concerneth only Man and the Quiet of this World. But there's no Inconveniency nor Repugnancy in annexing the Temporal Power, and rendering it acceſſory and dependent on the Prieſthood; as in the following Books of this Hiſtory we ſhall obſerve in the Perſon of the Pope of *Rome*, and other Prelates of the Church; not as if it ſprung from the Spiritual Sovereignty, and were one of its neceſſary Appurtenances, but as it hath been acquir'd, from Time to Time, by human Titles, by Conceſſions of Princes, and Lawful Preſcriptions, not *Apoſtolico jure*, as St. *Bernard* ſaith [3], *Nec enim ille tibi dare, quod non habebat, potuit.*

Behold theſe two Powers met in Sovereignties independent the one on the other, and acknowledging one only Source, which is God; diſtinct, by well fix'd Limits from the Mouth of our Saviour, in ſuch a manner, that the one hath no occaſion to interfere with the other.

SECT. I.

The Eccleſiaſtical Polity of the firſt Three Ages in the Eaſt.

WE acknowledging then, by the Chriſtian Religion, theſe two Powers in the World, it will be neceſſary, that we give an Account, how the Spiritual began to be adminiſtred among Men, and how by Degrees the Polity came to be eſtabliſh'd in the Empire, and in theſe our Provinces, and the Eccleſiaſtical State; which in the ſucceeding Ages made one of the greateſt Changes in the Political and Temporal State of this Kingdom.

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[1] Loyſeau, loc. cit. num. 16.

[2] Paralipomen. 26. Grot. cap. 2. de imp. Sum. poteſt. num. 5. V. Bodvadilla Polit. lib. 2. cap. 17 & 18.

[3] Bernard. lib. 2. de Conſid. cap. 1.

IN theſe three firſt Ages of Man's Redemption, before that *Conſtantine* embrac'd the Chriſtian Religion, no outward Eccleſiaſtical Polity could be thought on in the Empire with Stability. The Apoſtles and their Succeſſors, being intent ſolely on preaching the Goſpel, did not much mind the Eſtabliſhing of it; and beſides, were hindred by Perſecutions, which conſtrain'd them privately and in Corners, to mnintain the Exerciſe of their Religion among the Faithful.

OUR gracious Redeemer then, being to return to the Father, who ſent him into this World to ſhew us a more ſecure Way of Salvation, after having given us ſo many good Rules, left on Earth his Lieutenants, to whom he communicated that Spiritual Power, to the End, that as his Vicegerents, they might maintain and publiſh every where his Religion. He did not make uſe of the Miniſtry of Angels, but was pleas'd to advance Mankind, neither did he make choice of the mighty Men of the Earth for theſe profound Myſteries, but the moſt vile and abject; being willing by that to give us another Mark of Diſtinction between theſe two Powers, that the one doth not regard Pedigree, nor other Honours, which the World puts a Value upon, but only the Spirit, not Blood, and other human Conſiderations. He left therefore that Power to the Apoſtles, his dear Diſciples, who while he convers'd with us on Earth, follow'd him: He gave them in Charge to teach and preach his Law over all the World, and gave them Power to bind and to looſe, as they ſaw meet; engaging his Word, that thoſe whom they ſhould looſe on Earth ſhould be loos'd in Heaven, and whom they ſhould bind on Earth ſhould be bound in Heaven.

THE Apoſtles, altho' they acknowledg'd St. *Peter* for their Head, in the Beginning, thought of nothing leſs than eſtabliſhing an outward Eccleſiaſtical Polity, ſeeing they were intent on the Preaching of the Goſpel only, and in bringing Mankind to the Belief of that Religion, which they were about to eſtabliſh and propagate through all the Provinces of the World; they apply'd themſelves to that only: For that end, they diſpers'd themſelves, and travell'd to different Places, whither Neceſſity or Occaſion led them. The firſt Provinces they viſited were thoſe of the Eaſt, as being the neareſt to *Jeruſalem* and *Paleſtine*: They went to *Antioch*, *Smyrna*, *Epheſus*, *Alexandria*, and other Cities of the Eaſtern Provinces, in which they made wonderful Progreſs, bringing thoſe People to the true Faith; in which they were but little diverted or hindred by the Imperial Officers, thoſe Provinces being far from *Rome*, the Head and Seat of the Emperors, their Proceedings were not ſo narrowly look'd into; whence they were able to eſtabliſh Religion in many Cities of theſe Provinces, and to unite the Faithful more cloſely in many Places, which they call'd Churches. But at firſt, as St. *Hieronymus* ſaith, they having founded Churches in the Cities, theſe were govern'd, with common Conſent, by Presbyters, as an Ariſtocracy. Afterwards, the Number of the Faithful encreaſing, and Confuſions and Diviſions ariſing by reaſon of the Multitude, to obviate Diſorders, altho' the Government was continu'd with the Presbytery, they began to think of giving the Superintendency to one of the Prieſts, who ſhould be their Head, whom they call'd Biſhop, that is to ſay, Inſpector, who being plac'd in a more high Degree, had the Inſpection over all the Prieſts, and to whom belong'd the Care of the Church, governing it together with the Presbytery; ſo that the Government of the Church became mix'd of Monarchy and Ariſtocracy; whence *Peter de Marca*[2] took Occaſion to ſay, That the Monarchical Government of the Church was temper'd with the Ariſtocratical.

SOME have endeavour'd to maintain, that in thoſe early Times, the Government and Polity of the Church, was ſimply and purely Ariſtocratical in the Hands of the Prieſts only, yielding nothing more to the Biſhops than to the Prieſts, giving them no Power nor Supremacy above the others: But the incomparable *Hugo Grotius*[3], hath fully confuted that Error; and the contrary is clear from the Catalogue of ſo many Biſhops, which we have from *Irenæus*, *Euſebius*, *Socrates*, *Theodoretus*, and others, by which it is manifeſt, that from the Time of the Apoſtles, the Biſhops had the Superintendency of the Church; and being

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[1] Hieronym. in epiſt. ad Titum.

[2] Petr. de Marc. de Patriarc. juxta receptum ab omnibus Theologis axioma, Monarchicum Eccleſiæ regimen Ariſtocratico temperari.

[3] Grot. de Imp. Summ. poteſt. cap. 11. num. 5.

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plac'd in a more eminent Degree, were above the Prieſts, as their Head. Thus, not to ſpeak of the Biſhops of *Rome*, as being a Thing ſo well known, in *Alexandria*, upon the Death of St. *Mark the Evangeliſt*, who had govern'd that Church, as St. *Hieronymus* [1] relateth, the Prieſts had always one whom they choſe for their Head, *Et in Celſiori gradu collocatum Epiſcopum nominabant.* St. *Mark* died in the Sixty Second Year of the Incarnation, and in the Eighth of the Emperor *Nero* [2]: And after him, St. *John the Apoſtle* being yet alive, *Anianus* ſucceeded; to *Anianus* ſucceeded in the Government of that Church, *Abilius*, and to him *Cerdo*, and ſo from one to another the reſt [3]. In *Antiochia*, *Evodius*, *Ignatius*, &c. In *Jeruſalem*, while St. *John* was yet alive, after the Death of St. *James*, the Biſhops of that City were *Simon*, *Juſtus*, &c. In *Smyrna*, *Polycarpus* was put over the Prieſts as their Biſhop, by St. *John*, who govern'd that Church Eighty Six Years. Thus likewiſe the Church of *Epheſus*, altho' it was govern'd by the Prieſts, yet there was one of them who preſided; and after *Timothy*, St. *John* himſelf, for ſome time, was Head of it; for which Reaſon he was call'd the Prince of the Clergy, and Angel of the Church; after that *Titus* and others ſucceeded; ſo that in the Council of *Chalcedon* [4], from the Mouth of *Leontius Magneſianus*, we read, *A Sancto Timotheo, uſque nunc XXVII. Epiſcopi facti, omnes in Epheſo ordinati ſunt.*

NEITHER ought it to ſeem ſtrange, to ſay it *en paſſant*, that the Evangeliſts, whoſe Buſineſs it was to be going to and fro in the Provinces of the Empire, and to preach the Goſpel, could have been Biſhops in any City; ſince, as *Hugo Grotius* well informeth us [5], they likewiſe went to ſettle in ſome Places, where they perceiv'd, that their longer Abode would be of greater Advantage; and where they ſtaid, they perform'd all the Offices of a good Biſhop, by preſiding in the Presbytery: For which Reaſon we read, that the ſame Apoſtles were Biſhops of ſome Cities, becauſe having remain'd long in them, they had govern'd their Churches, as all other Biſhops did who had been ordain'd by them.

THUS, in Proceſs of Time, the Chriſtian Religion being ſpread over all the Provinces of the Empire, altho' the Apoſtles dy'd, the Biſhops ſucceeded in their Places, who being above the Presbyters, govern'd the Churches; therefore we ſee Biſhops appointed in the Cities, as St. *Cyprian* witneſſeth; *Jam quidem per omnes Provincias, & per urbes ſingulas conſtituti ſunt Epiſcopi:* whence it was firmly eſtabliſh'd, that in the Government of the Churches, one of the Prieſts was to have Rule over the Reſt, to whom the Care of the Church was to belong, as St. *Hieronymus* teſtifieth, *In toto Orbe decretum eſt, ut unus de Presbyteris electis cæteris ſuper poneretur, ad quem omnis cura Eccleſiæ pertineret* [6].

AND altho' St. *Cyprian* ſaith, That Biſhops were appointed in every City; yet nevertheleſs 'tis known, that many Cities had none, but were govern'd and rul'd by the Presbytery only; ſince the Apoſtles did not appoint Biſhops in all Churches, but left many of them to be govern'd by the Presbytery, when there were none amongſt them worthy of being made Biſhops, as St. *Epiphanius* [7] declareth; *Presbyteris opus erat, & Diaconis, per hos enim duos Eccleſiaſtica compleri poſſunt; ubi vero non inventus eſt quis dignus Epiſcopatu, permanſit locus ſine Epiſcopo; ubi vero opus fuit, & erant digni Epiſcopatu, conſtituti ſunt Epiſcopi.* And theſe Churches which continu'd without Biſhops, ſaith St. *Hieronymus*, *Communi Presbyteriorum conſilio gubernabantur.* Thus *Meroe*, a City in *Egypt*, as *Athanaſius* [8] writeth, even to his Time, had not had a Biſhop, and was govern'd by the Presbytery only; and many Writers of thoſe Times declare the ſame of many other Cities of the Empire.

SUCH was the Polity of the Eccleſiaſtical State in the firſt Ages; neither was there any other Hierarchy known, nor any other different Degrees, but that of Biſhop, Prieſt, and Deacon, who took Care of the Oblations, and likewiſe of what belong'd to the Miniſtry of Holy Things. Theſe made up one Body, of whom the Biſhop was the Head, and the other Miniſters, whether the higher or lower, were the Members, and the Council or Senate of the Biſhop, who, together with him govern'd the Church. Whence S. *Hieronymus*[1] reaſoning about the Biſhops, ſaid, that they likewiſe had their Senate, that is the Congregation of Prieſts: And as S. *Baſil* likewiſe ſaid[2]; and *Ignatius* writing to the *Trallians* affirm'd, That the Prieſts were the Biſhops Counſellors and Aſſeſſors, and that they ought to look upon themſelves as having ſucceeded in the Place of the Apoſtolical Senate; whence it was that S. *Cyprian* never treated of any Thing of Moment, without the Aſſiſtance and Advice of his Prieſts and Deacons, as may be gathered from his Letters[3].

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[1] Hieronym. epiſt. 85.
[2] Euſeb.
[3] Grot. loc. cit.
[4] Conc. Chalcedon. action. 11.
[5] Grot. loc. cit.
[6] Hieronym. ep. 85.
[7] S. Epiphan. hæreſ. 75.
[8] Du Pin. de Antiq. Eccl. diſc. diſſert. 1. §. 8.

SOME have believ'd that this Polity of giving the Superintendency to the Biſhops, and a Superiority over the Prieſts, had been introduc'd likewiſe from the Example of the Heathens, who had different Degrees in their Prieſthood; which was practis'd not only by the *Greeks* and *Romans*, but had been a very ancient Diſcipline of the *Druids* in *Gallia*, as *Cæſar* expreſſeth in his Commentaries[4]: *Druidibus preeſt unus, qui ſummam intereos habet authoritatem.* The *Burgundians* had alſo their High-Prieſt, as *Marcellinus*[5] relateth; and in the *Jewiſh* Commonwealth, God Almighty approved of the ſame Cuſtom likewiſe, when he put one of greater Authority over all the Prieſts.

BUT however probable it may be, that ſuch an Order had been inſtituted in imitation of them, nevertheleſs, according to the Opinion of *Grotius*[6], it is more probable that ſuch a Polity was introduc'd in imitation of the *Jewiſh* Synagogues, whereof the Churches founded by the Apoſtles ſeem to be Images and Reſemblances; and indeed, we obſerve, that in many Places the Synagogues had no coercive Power, any more than the Church itſelf, all its Power being Spiritual: We likewiſe ſee, that the Apoſtles, while they were Preaching in *Paleſtine* and the neighbouring Provinces, found many Synagogues which had been well regulated from the Time of the *Babyloniſh* Diſperſion; and theſe receiving the Faith of Chriſt, by the Preaching of the Apoſtles, becauſe the Goſpel was firſt preach'd to them, there was no Reaſon why they ſhould change their Polity, and forſake that which the Experience of many Ages had approv'd of, and recommended; add to this, that the Work of the Apoſtles was more eaſy, becauſe, when they were to plant a new Religion in the Gentile World, the Novelty of the Thing made no Noiſe, nor was taken Notice of by the Imperial Officers, who were little concern'd in the Matter, ſeeing there was no Change in the outward Polity, when the Synagogues were converted into Churches; and when Churches were founded elſewhere, altogether conformable to the *Jewiſh* Inſtitutions, to which the Imperial Officers were no Strangers, little or no Innovation was obſerv'd, at leaſt not ſo much as could give any Diſturbance to the Civil State of the Empire.

AS in every Synagogue there was one, who was above the reſt, whom they call'd the Ruler, in his Place they appointed a Biſhop; they had Paſtors, to whom the Prieſts ſucceeded; there were likewiſe *Eleemoſinaries*, who were much the ſame with Deacons.

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[1] Hieron. in cap. 2. Iſaiæ: Et nos habemus Senatum noſtrum Cætum Presbyterorum.

[2] S. Baſil. ep. 319.

[3] Cyprian. ep. 10. lib. 1. ep. 7. lib. 2. ep. 2. lib. 4. ep. 10. lib. 3. ep. 10. lib. 4.

[4] See Claud. Fonteius in diſſert. de Antiq. Jur. Presbyt. in reg. Eccl. cap. 7, 9.

[5] Amm. Marcel. lib. 28. hiſt. cap. 5.

[6] Grot. loc. cit. cap. 11. num. 8.

SECT. II.

The Eccleſiaſtical Polity in the Weſt, and in theſe our Provinces.

WHILST this new Religion was ſpreading in the Eaſt, and having made wonderful Progreſs in thoſe Parts, it was reſolv'd to eſtabliſh it likewiſe in the Weſt, ſome of the Apoſtles, and many of the Diſciples for that end travell'd into theſe our Provinces. 'Tis ſaid that St. *Peter* himſelf, their Head, leaving the See of *Antioch*, having appointed *Evodius* Biſhop of that Church, ſailed with many of his Diſciples towards *Italy*, in order to go to *Rome*: That he landed firſt at *Brun-*

duſium, from thence he went to *Otranto*[1], and then to *Tarentum*, in which City he preach'd the Faith of Chriſt, and converted a great many of the Citizens to the Faith, leaving *Amaſianus* Biſhop of the Place[2]; ſome will have it[3], that he likewiſe viſited *Trani*, *Oria*, *Andria*, and ſail'd by the *Adriatick* to *Sipontum*; from thence he return'd, and coaſting along our Shore arriv'd at *Rhegium*, in which Cities he planted the Chriſtian Religion: Then departing from *Rhegium* with his Followers, ſailing through the *Tyrrhenian* Sea, he arriv'd in ours, and beholding the pleaſant Situation of the City of *Naples*, reſolv'd to land and convert it to the true Faith: And they will have it, that he met at the Gate of the City a Lady call'd *Candida*, and with her, and her Brother *Aſprenus*, wrought many Miracles, at which the *Neapolitans* being moved, they received Baptiſm from him, and before he departed for *Rome*, he appointed *Aſprenus* Biſhop of that City, who was the firſt. 'Tis alſo ſaid, That in that Journey St. *Peter* himſelf went as far as *Capua*; and after having converted that City, he left there *Priſcus*, one of the ancient Diſciples of Chriſt, for Biſhop, in whoſe Houſe he caus'd to prepare *Eaſter*, and eat with his Diſciples in the Parlour. And afterwards having gone to *Atina*, a City now deſtroyed, appointed *Mark* Biſhop of it: And laſtly, taking Journey for *Rome*, paſſed by *Terracina*, of which Place he ordain'd *Epaphroditus* Biſhop. The People of *Bari* likewiſe pretend, that St. *Peter* was alſo in their City, as well as in *Tarentum* and *Otranto*[4]. Thoſe of *Beneventum*, that he left with them *Photinus* their firſt Biſhop[5]. *Seſſa* pretends the ſame, and that he gave to them *Simiſius* for their Biſhop. In ſhort, if one ſhould mind ſuch Stories, there is not a City in our Provinces that doth not pretend to have had their Biſhops either from St. *Peter* or St. *Paul*, as *Rhegium* boaſteth of *Stephen* its firſt Biſhop, or from ſome one or other of the Seventy-two Diſciples of Chriſt our Lord; or laſtly, from the Diſciples of the Apoſtles. Indeed, *Pozuolo* reckoneth its firſt Biſhop *Patrobas*, one of the Seventy-two Diſciples, and Diſciple of St. *Paul*, of whom he maketh mention in his Epiſtle to the *Romans*, who being ordain'd Biſhop by St. *Peter*, and arriving at *Pozuolo*, preach'd there the Chriſtian Faith.

'TIS reported likewiſe, that St. *Peter* was no ſooner arriv'd at *Rome*, than he was oblig'd to fly for it, becauſe of the rigorous Edicts which the Emperor *Claudius* had put forth againſt the *Jews*, ordering them all out of *Rome*[6]. That he having return'd to *Jeruſalem*, and ordain'd many other Biſhops in the Cities of the Eaſt, came back a ſecond Time to *Italy*, in order to go to *Rome*; and that in this ſecond Voyage arriving in the Town of *Reſina*, near *Naples*, by his Preaching he converted that People, and left with them *Ampello* to inſtruct them better in the Faith of Chriſt: Thence returning to *Naples*, was receiv'd by *Aſprenus* and the *Neapolitan* Chriſtians with infinite Marks of Kindneſs and Rejoicing, and founded a Church there; and that in this ſecond Paſſage he viſited many other Cities in *Puglia*. Thence going to *Rome*, he eſtabliſh'd his Chair in that City, and ordain'd *Linus* Biſhop of it, who having ſuffer'd Martyrdom, had for his Succeſſor *Clemens*, to whom ſucceeded *Cletus* and *Anacletus*, and the other Biſhops according to the Catalogue which we have of the Biſhops of *Rome*[7].

ON the other hand, there are ſome who pretend to throw to the Ground all theſe Accounts, and render them Fabulous; ſince they have undertaken with as great Temerity as Stubbornneſs, to maintain, that St. *Peter* never was in this our Country, but impudently have been ſo bold as to aſſert likewiſe, that he never was at *Rome*. The greateſt Stickler on that Side is *Salmaſius*[8], who, contrary to what the ancient Fathers[9] of the Church believ'd, and what hath been handed down to us by the ancient Tradition of our Forefathers, will maintain at any rate, that St. *Peter* never was at *Rome*; calling in Queſtion, that which the Church hath always with Stedfaſtneſs and Conſtancy believ'd: Which gave occaſion to *John Owen*[1] falſly to believe, That that Point was ſtill undecided.

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[1] P. Carac. de Sacr. Neapol. Eccl. Mon. cap. 3. §. 4.

[2] Juven. Hiſt. Tar. l. 8. c. 1. & l. ult. cap. 1.

[3] Summont. lib. 1. cap. 1.

[4] Beatil. Hiſt. de Bari, lib. 1.

[5] Carac. de Sacr. Eccleſ. Mon. cap. 3. §. 3.

[6] Suet. in Claud. cap. 36. Judæos impulſore Chriſto aſſidue tumultuantes, Roma expulit.

[7] Oratus, Rufinus, S. Auguſt. Grot. de Imp. Sum. Pot. cap. 11. num. 5.

[8] Salmaſ. in apparatu ad libros de primatu Papæ: De quo admiratur Grotius defendere Sententiam a toto orbe deſtitutam, Grot. ep. 53.

[9] Irenæus lib. 3. cap. 1. Tertullian. de Præſcript. de Unit. Eccl. Arnob. adv. gentes Lactant. lib. 4. cap. 1. Cajus, Dionyſius, Corinthius, and others mentioned by Leo Allacius de Eccleſia Occidentali & Orientali, Confeſ. lib. 1. cap. 2. num. 7.

An Petrus fuerit Romæ, ſub judice lis eſt?

BUT whatever may be in that Diſpute, which we muſt leave altogether to the Eccleſiaſtical Writers, who have at large confuted that Error, 'tis ſufficient for our Purpoſe, that it is inconteſtable, that either by St. *Peter* himſelf, or by the other Apoſtles, or their Diſciples, or other Succeſſors, the Chriſtian Religion was introduc'd into theſe our Provinces, and many Churches founded in many Cities of them; for which End, many Biſhops were ordain'd long before *Conſtantine the Great* embrac'd our Religion, that is to ſay, in the firſt three Ages of Man's Redemption: All which is made very clear, not only by the frequent Martyrdoms, which happen'd in our Provinces, but by the ancient Regiſters we have of the Biſhops of many Cities. *Naples* reckoneth a great many before *Conſtantlne the Great*; *Aſprenus*, *Epatimitus*, *Maurus*, *Probus*, *Paulus*, *Agrippinus*, *Euſtachius*, *Euſebius*, *Marcianus*, *Coſma*, and others. *Capua* numbers alſo its own, *Priſcus*, *Sinotus*, *Rufus*, *Auguſtinus*, *Ariſteus*, *Proterius*, and *Protus*. *Nola*; *Felix*, *Calionius Aurelianus*, and *Maximus*. *Pozzuolo*, *Patrobas*, *Celſus*, *John*. *Cuma*, *Maxentius*. *Beneventum* likewiſe reckoneth its own, amongſt whom the famous *Januarius*, who ſuffer'd Martyrdom under *Diocleſian*. *Atina* boaſteth of its Biſhops from the Time of the Apoſtles, *Mark*, *Fulgentius*, and *Hilarius*. *Sipontum*; *Bari*, *Otranto*, *Tarentum*, *Rhegium*, *Salernum*; and other Cities of theſe our Provinces, had theirs before *Conſtantine*, of whom *Ferdinandus Ugellus*, in his laborious Work *de Italia Sacra*, hath given us a long Catalogue.

BUT as 'tis beyond all Diſpute, that the Chriſtian Religion was introduc'd into many Cities of theſe our Provinces in the firſt Ages, and that there was in each of them, a great Number of the Faithful, acknowledging the Biſhops for their Moderators; ſo it can't be doubted, but the Exerciſe of that Religion was perform'd with much Caution, privately and in the moſt hidden Corners of their Houſes, and often in the moſt unknown Caves, and fartheſt from the Reſort of Men. Certainly our firſt Biſhops in theſe Provinces being ſo near *Rome*, had greater Difficulty in maintaining this Religion amongſt the Faithful, than thoſe of the Eaſtern Provinces, as being at a greater Diſtance from *Rome*. The *Roman* Emperors were altogether intent on extinguiſhing this new Religion: They were uneaſy at the very Name of a Chriſtian, and to render them more deteſtable, they were branded as guilty of many Crimes and Villainies; that they were Murderers, adding, that they kill'd Children and fed upon their Fleſh: That they were Inceſtuous, and that in their Night Aſſemblies they all mingled, and polluted themſelves with execrable Luſts[2]: And thoſe, who by their manifeſt Probity, to whom they could impute none of theſe Wickedneſſes, were made deteſtable to the Emperors, as Deſpiſers of the Worſhip of their Gods; that they did not pay the Honour due to the Emperors; that they ſlighted the *Roman* Laws, and their Cuſtoms, and every thing elſe; did not invoke their Gods, nor vouchſafe to offer them Sacrifices; for which Cauſe they were call'd Atheiſts, Sacrilegious, Diſturbers of the State and Cuſtoms, and an eternal Peſtilence to Mankind and Nature; ſince by the Contempt they had for their Gods, they ſaid, they provok'd them to Wrath and Revenge, by which they were the Occaſion of many Miſchiefs among Men and Nations; ſo much that with the Heathens it paſs'd current and as a continual Quarrel, that the Chriſtians were the Cauſe of all their Misfortunes; which wicked Opinion laſted in *Rome* to the Days of *Alarick*, when he took that City, attributing that Diſgrace to the Wrath of their Gods, who for the Contempt they had them in and their Religion, reveng'd themſelves after that manner upon the *Romans*; which moved St. *Auguſtine* to write his Books of the City of God, and *Oroſius* to write his *Orcheſtra*, or Hiſtory againſt the *Pagans*[3].

FOR which Cauſes the Emperors began to perſecute them; and the Perſecution of *Nero* was the moſt terrible of all, who, by ſevere Edicts, condemn'd them to Death, as publick Enemies of the State and Mankind [1]. *Domitian* follow'd his Footſteps. *Trajan* was not ſo cruel againſt them; for in returning Anſwer to *Pliny*, then Proconſul in *Pontus* and *Bythinia*, who being terrified by the great Number they grew to daily in theſe Provinces, wanted to know how he ſhould puniſh them, he ordain'd, That they being accus'd and convicted, he ſhould proceed againſt them with Severity; but if they were not accus'd, he ſhould rather wink at them. By which, as *Voſſius* obſerveth, the Clemency of *Trajan* the Heathen, was greater towards Chriſtians, than that of Chriſtians, not only towards the *Mahometans*, but even towards Chriſtians themſelves who are charg'd with Hereſy, againſt whom the Inquiſition, a Tribunal lately introduc'd, proceedeth with much Rigor, without being accus'd; of which Tribunal we ſhall have Occaſion to treat more at large in another Place. *Adrian*, the *Antonines*, *Severus*, *Maximinus*, *Decius*, *Valerianus*, *Diocleſian*, *Maximinianus*, *Galerius*, and laſtly *Maxentius*, were moſt cruel Enemies of the Chriſtian Name; and if theſe Perſecutions were cruel in the other Provinces of the Empire, they were much more ſo, without doubt, in our *Campania*, and the other Provinces which at preſent compoſe this Kingdom, as being nearer to *Rome*. The Officers by whom they were govern'd, in order to pleaſe the Inclinations of the Princes, and to be taken notice of as zealous for their Service, as being more narrowly obſerv'd, put their Edicts in Execution, with the more Rigour and Readineſs: Whence it is, that with Reaſon, *Campania*, and theſe our Provinces, boaſt of ſo many Martyrs [2], and that all theſe firſt Biſhops of their Cities, are now worſhipp'd as Saints, as they, who in the Midſt of ſuch fierce Tempeſts, always confeſs'd the Faith of Chriſt, and being intrepid, did not value Slaughter nor Death. There are yet remaining the Veſtiges of the Burying Place of *Nola*: The Memory of the Martyrdoms in *Pozuolo*, in the Time of *Diocleſian*, and many other Burying Places of Martyrs in ſeveral Parts of the other Provinces, which afterwards, when *Conſtantine* gave Peace to the Church, were diſcover'd by the Faithful, and made known; whence it was, that the neighbouring People out of Devotion, flocking to the Tombs of the Martyrs, there were ſo many Inhabitants near theſe Places, and new Towns and Caſtles built; And from this it was, that theſe new Towns in our Kingdom took their Names from theſe tutelar Saints [3].

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[1] Owen lib. 1. epigr. 8.

[2] Minutius Fel. Tert. Apol. cap. 7, 8, 9. Orig. cont. Celſ. 6. p. 293. Voſſ. in Com. ad Epiſt. Plin. ad Trajan. de Chriſtianorum Perſecut.

[3] Voſſ. loc. cit.

IN theſe troubleſome Times, no outward Church Polity could be thought of in theſe our Provinces: The Faithful, for the moſt Part, abſconded as Fugitives, and in ſuch Confuſion, that they could not but clandeſtinely perform the Exerciſe of their New Religion. The Biſhops, with much Danger, attended only the Converſions, and that in Cities altogether Heathen, as need requir'd, they run ſometimes to one City, ſometimes to another; ſo that they could not apply themſelves to the Political Government of their Churches.

FOR which Reaſons, there could no Change or Alteration happen in the Polity of the Empire, and much leſs in theſe our Provinces, in ſuch Times, on Account of the new Chriſtian Religion. The Cities were all Heathen, the Religion which was publickly profeſs'd by the Magiſtrates, the Laws, Cuſtoms, and Rites, were all Heathen. The Chriſtians were reputed as publick Enemies, Diſturbers of the State, and, as ſuch, excluded the Commonwealth: Their Meetings ſeverely puniſh'd; they could not have ſeparate Colleges; their Churches had no Revenues. All the Cities of theſe our Provinces, altho' there were many Chriſtians who liv'd in them privately, and that the Number encreas'd daily, yet were Heathen, and Heatheniſm was publickly profeſs'd. Every City took Example from *Rome*, and many of the *Roman* Magiſtrates imitated the Religion of their Head; and it was not only the Municipal, the Colonial, and the Præfectural, but alſo the Confederated Cities, which had more Liberty.

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[1] Sueton. in Neron. cap. 16. Tacit. an. 15.

[2] P. Carac. de Sacr. Neapol. Eccl. Monum. cap. 2. Sect. 2 & 5.

[3] Camil. Per. in Falcon. Benev. pag. 179.

SECT. III.

NAPLES, *as alſo all the other Cities of this Kingdom, were univerſally Heathen.*

NAPLES, as is believ'd, did not become entirely Chriſtian, from the firſt Preaching of the Goſpel, which they ſay was by St. *Peter*. 'Tis very probable, that ſome *Neapolitans* embrac'd immediately the Faith of Chriſt, and with much Caution follow'd their Biſhop *Aſprenus*, living hiddenly in that Belief; but all the reſt were Idolaters, and that Worſhip publickly profeſs'd. So that of all the *Greek* Cities in theſe our Provinces, *Naples* was certainly the moſt ſuperſtitious and moſt addicted to the Errors of the Heathens, and its old Religion. It had its publick Temples, in honour of various Deities: of *Eumelus* its Country God, of *Ebo* [1], who had for an Adjunct that of *Clariſſimus* given him, or moſt reſplendent God; they believ'd him the ſame as *Apollo*, and he was alſo call'd the God *Mitra*: They had *Caſtor* and *Pollux*, *Diana*, *Ceres*, and a great many other Deities. It had its Brotherhoods (as hath been already obſerv'd) not only dedicated to its Country Gods, but likewiſe to Heroes, and in private Temples built by them, Sacrifices were offer'd by the Families that met there. Innumerable were the Games alſo which they had for celebrating their Feaſts with the greater Pomp and Solemnity, and ſo famous that they drew Spectators from the remoteſt Parts: the moſt renown'd of which were the Olympick Games, which they celebrated with ſo much Care and Skill, that they entic'd the Emperors themſelves to be Spectators of them: Neither were the Feaſtings at the Temple of *Ceres*, near the Sea, leſs admir'd, from which that Goddeſs is call'd by *Statius*, *Actia Ceres*.

SOME vainly believe, that theſe Feſtivals and theſe Temples ceas'd, as ſoon as St. *Peter* preach'd the Goſpel there; whereas 'tis manifeſt, that they were continu'd for a long time after. *Statius*, who wrote under *Domitian*, in his *Sylvæ*, and elſewhere, makes mention frequently of theſe Feaſts and Games. Others have been yet more fooliſhly perſuaded, that Learning was taught in the Academy, which, in *Naples*, was dedicated to *Hercules*, and that it was honour'd with *Ulyſſes* for a Scholar; as if in the midſt of his ſo long and painful Wanderings, it could have enter'd into his Head to go to *Naples* in Queſt of Learning. The Academy was inſtituted for exerciſing the Body in Courſing, Fencing, Wreſtling, the *Gymnici*, *Ludi*, and *Athletic* Exerciſes: And that Academy was famous and remarkable for the rare and extreme Valour of the Wreſtlers, that it not only drew to it Strangers from the moſt diſtant Countries, but (which is more remarkable) even the Emperors themſelves, who went frequently to this City, and were delighted in ſeeing the Exerciſes, and in being ſeen performing them. That Academy was much eſteem'd by *Auguſtus*, *Tiberius*, *Caligula*, *Claudius*, and much more by *Nero*. *Titus* was much delighted with it, and it being thrown down by an Earthquake, he rebuilt it. *Domitian*, *Trajan*, *Adrian*, *M. Aurelius* the Philoſopher, *Commodus*, *Septimius*, and *Alexander Severus*, and almoſt all the Emperors who preceded *Conſtantine*, honour'd it. *Naples* then, on Account of theſe Exerciſes, being ſo much frequented by theſe Emperors, the greateſt Part of whom had been unmerciful, bitter, and cruel Perſecutors of the Chriſtian Religion; who can ever be perſuaded, that this City, after St. *Peter*'s paſſing through it in his going to *Rome*, had forſaken Heatheniſm, and publickly embrac'd the Chriſtian Religion? Neither the Manners of the *Neapolitans*, who were moſt tenacious of the Worſhip of their Country Gods; nor the frequent Stay the *Roman* Emperors made in this City; nor the mortal Hatred they bore to the Chriſtians, can make us believe it, but much rather prove the contrary, and what great Miſtake it was to imagine there were never any Martyrs in

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[1] Macrob. Saturnal. lib. 1. cap. 18. Tutin. dell' Origin. de Seggi, cap. 19.

Naples, when 'tis indiſputable : Neither can P. Carracciolo himſelf deny it, that there have been many and frequent Martyrdoms there ; and Cardinal *Baronius* [1] ſpeaking of St. *Fauſtus* and *Julita*, gives an Account, that they ſuffer'd Martyrdom in *Naples*. Foraſmuch as this City, whatever they may believe, that as a Confederated City, it was not ſubject to the *Roman* Edicts, was of it ſelf Idolatrous, and conſequently a moſt bitter Enemy to the Chriſtians, and ſuch were they who govern'd it. But by reaſon of the great Superſtition of the *Neapolitans*, and the great Veneration for their Paternal Gods, even after *Conſtantine the Great* gave Peace to the Church, it was very difficult for a long time to get the falſe Worſhip ſo entirely aboliſh'd, as it was in other Cities of the Empire, and in *Rome* it ſelf, before the Reigns of *Arcadius* and *Honorius*, moſt religious Princes, and reſolute in exterminating Idolatry out of the Empire. And 'tis a very ill contriv'd Story, which gives an Account of the ſo many Churches and Altars erected in *Naples* by *Conſtantine the Great*, as ſhall be plainly ſhewn in the following Books of this Hiſtory ; whence, with good Reaſon, *Jordanus* follow'd by *Tutini* [2], believed, That the Temple in *Naples*, dedicated by *Tiberius Julius Tarſus* to *Caſtor* and *Pollux*, had been afterwards, by the *Neapolitans*, dedicated to the true God in Honour of St. *Paul* the Apoſtle, not in the Time of *Cnnſtantine the Great*, but of *Theodoſius* the Emperor. *Symmachus* [3], who liv'd in the fourth Century, lets us ſee, that *Naples* continu'd Heathen many Years after *Conſtantine* had embrac'd the Chriſtian Faith ; whence, for its Conſtancy in not having follow'd the Example of the other Cities, but having kept the ancient Religion, he praiſes and adorns it with the Title of *Urbs Religioſa* ; theſe are his Words ; *Quamprimum Neapolim petitu Civium ſuorum viſere ſtudeo : Illic honori Urbis Religioſæ intervallum bidui deputabo. Dehinc ſi bene Dii juverint, Capuano itinere, venerabilem nobis Romam, Laremque petemus.* Every Body knows that *Symmachus* was a fierce and cruel Enemy of the Chriſtians, and conſequently would by no Means have called it *Urbs Religioſa*, on Account of the Chriſtian Religion ; but only becauſe Heatheniſm was overturn'd every where elſe, he reckon'd *Naples* conſpicuous and religious, becauſe of the falſe Religion which it conſtantly retain'd and profeſs'd.

Camillus Pellegrinus [4] left to the Learned of *Naples*, the Care of ſolving the Difficulty which that Paſſage of *Symmachus* left them in ; for 'tis truly incompatible with the common Belief of the *Neapolitans*, that that City ſhould become Chriſtian from the firſt Preaching of St. *Peter*. But this difficult Paſſage was ſoon unriddled by our accurate *Chioccarelli* [5], (whom with good Reaſon *P. Laſena* uſed to call the Beagle, on Account of his diligent Searching) and he endeavour'd to ſurmount it, by giving various Meanings to the Word *Religioſæ*, that is, he would have *Symmachus* to mean, not the Heathen, but the Chriſtian Religion : An Interpretation, truly far from the Circumſtances of theſe Times, and the Religion of the Author, to which he was as much addicted, as he was an implacable Enemy of the Chriſtian. A bare-footed *Carmelite* Fryer [6] in our Time, hath undertaken that Diſpute ; but his Pen was not equal to the Undertaking, and he came but badly off. But if we lov'd Truth above every thing elſe, and were free from the Paſſion of an affected Love for our Native Country, and would look on it impartially, we ſhould very eaſily unriddle the Matter : We ſhould ſee there was no Intricacy in it, in our Opinion, if we would but conſider the Circumſtances of that City ſo near to *Rome*, and which it was vain in imitating in all its Proceedings ; we ſhould perceive, that theſe our Weſtern Provinces did not ſhake off Idolatry before the Reigns of *Arcadius* and *Honorius*.

In the other Provinces, and eſpecially in the Eaſt, the Eccleſiaſtical Polity could be better minded, and the Chriſtian Religion profeſs'd with more Freedom, the Perſecution not being ſo furious and cruel there ; but for all that, the Civil State ſuffer'd no Change nor Alteration ; nevertheleſs, being perſecuted and interdicted, it could not be publickly kept up, much leſs profeſs'd.

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[1] Baron. Annot. ad Mart. 15. Maii, P. Laſena Gin. Nap. cap. 6. pag. 104.

[2] Tutin. dell' origin. de Seggi, cap. 4.

[3] Symmach. ep. 27. lib. 8.

[4] Cam. Pel. in Camp. in fin.

[5] Chioccar. de Epiſc. Neap. in Severo.

[6] Diſcorſo del P. Fr. Girolamo Maria de S. Anna Carm. Scal. dell' ant. Cattol. Relig. & Nobilta di Nap.

SECT.

SECT. IV.

Of the Eccleſiaſtical Hierarchy and Synods.

THE Church knew no other Hierarchy, nor Dignities in theſe firſt three Ages, but thoſe of Biſhop, Prieſt, and Deacon. The Biſhops, who had the Superintendency, and whom all the Orders of the Church obey'd, if, peradventure, any Diviſion aroſe amongſt the Faithful, they by their great Zeal and Charity, immediately made it up, and quieted their diſturb'd Minds. The Charity of all was equal; in the firſt, by uſing their Pre-eminency with Moderation; and in the others, by obeying with an entire Reſignation. If at any time they were to deliberate about any Affairs of Moment concerning Religion, to the end that they might maintain a fix'd Concord and Unanimity amongſt all the Churches, and that there might be no jarring, the Biſhops were us'd to communicate to one another what had fallen out, and by the Means of Meſſengers or Letters, which they called *Formatæ*, they maintain'd a Correſpondence; and thus being all united by a ſtrict Tye, repreſenting the Univerſal Church, they fortified themſelves againſt all Diviſions and Schiſms which could ever ariſe [1].

WHEN any Thing fell out, and if the Perſecution gave them any breathing, ſo as they could from different Cities meet in one, they conven'd in Synods for deciding the true Faith, for regulating the Polity and Manners of Chriſtians, or for puniſhing the Guilty, and deliberating about any other Matter that happen'd; following in that, the Footſteps of the Apoſtles, and of St. *Peter* their Head, who having conven'd the Faithful in *Jeruſalem*, held a Council, which was the firſt, and on that Account called the Council of *Jeruſalem*, and which is inſerted in the Acts of the Apoſtles by St. *Luke* [2].

IN the ſecond Age, when Religion was more diffuſ'd, as well in the Eaſtern as Weſtern Provinces, they held other Synods: The firſt were in *Aſia*, *Syria*, and *Paleſtine*. In the Weſt likewiſe they began in this Age, being held in *Rome*, and in *Gallia*, againſt the Hereſy of *Montanus* and the *Cataphrygians*; and on Account of the Paſchal Controverſy [3].

IN the third Age, they were more frequent in *Rome* againſt *Novatus*, and his Followers, but more in *Aſia* and *Africa*.

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[1] Grot. de Imp. Summ. Pot. cap. 11. num. 8.

[2] Act. cap. 15.

[3] Van Maſtric. de Or. & Pr. Jur. Can. cap. 1. Doviat. Hiſt. Jur. Can. par. 1. cap. 1.

SECT. V.

Of the ECCLESIASTICAL REGULATIONS.

THE Church in the firſt Ages had no other Regulations, but thoſe which were in the Holy Scriptures, neither were there any other Books known: Afterwards by the Councils that were held, there were other Regulations made, by which the Churches of theſe Provinces were govern'd.

THESE were only Regulations concerning the Diſcipline of the Church, it never having been deny'd to the Prieſthood to take Cognizance of the Differences in Religion, and to make Regulations concerning their Diſcipline. It was allow'd to the Heathen Prieſts likewiſe to do the ſame, and it was the common Right, as well of the *Romans* as of the *Greeks*, that all lawful Communities ſhould take Cognizance of their own Affairs, and make Regulations about them. *Cajus* our Civilian, ſpeaking of ſuch a Community and College, ſays, *His autem poteſtatem facit lex, pactionem quam velint ſibi ferre, dum ne quid ex publica Lege corrumpant:* There is a Law a Law of *Solon* mention'd, in which the ſame was eſtabliſh'd amongſt the *Greeks* [1]. *John Doviat* [2], and *Du Pin* [3], a great Divine of *Paris*, taught, that the Church not only had ſuch Authority by common Right, by which every Society ought to have ſome Form of Government, to keep it from Confuſion and Diſorders, and to eſtabliſh Regulations; but that the Power of making Canons concerning Church Diſcipline, was alſo granted by Chriſt to the Apoſtles. 'Tis not to be doubted, but that our Saviour gave Authority to his Apoſtles, and their Succeſſors, to govern the Faithful in all that concern'd Religion, as well to clear the Points of Faith, as concerning the Rule of Manners: And theſe were the firſt Foundations and Principles from whence the Canon Law hath its Origin, which for a long Tract of Years hath vied with the Civil Law, and, as 'tis manag'd by the Popes, dares not only compare with it, but it muſt entirely yield; ſo that in the ſame Dominion, againſt all the Laws of Government, two Bodies of different Laws are ſeen, encroaching upon one another; the Source, from whence flow'd ſo many Diſputes about Juriſdiction, and ſo many Changes in the Political and Temporal State of the Empire, and of theſe our Provinces, as ſhall be diſtinctly ſhewn in the Courſe of this Hiſtory.

THEREFORE in theſe firſt Ages, ſuch Regulations had no Influence to cauſe any Alteration in the Polity of the Empire: They were ſolely confin'd to the Differences in Religious Matters, and to what concern'd the Government of the Churches, and their Diſcipline. As to the Civil Matters of the Empire, they did not interfere with them, leaving entirely the Government of the Commonwealth to the Prince, as formerly.

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[1] L. Sodales 4. D. de Colleg. V. Deſider. Herald. Obſer. & Emend. lib. cap. 42. Salm. Obſerv. ad jus Attic. & Rom. cap. 4.

[2] Doviat. Hiſt. du Droit Canoniq;, pars 1. cap. 1.

[3] Du Pin. de Ant. Eccl. Diſc. diſſert. 1.

SECT. VI.

Of the Cognizance of CAUSES.

THE Church had likewiſe in theſe Times, as a Thing belonging to her Diſcipline, the Cenſure and Correction of the Manners of Chriſtians. If any of the Faithful, by going out of the right Way, ſtumbled upon ſome Hereſy, or by any publick or notorious Sin ſcandaliz'd others, he was firſt privately rebuk'd that he might reform, and if he did not amend, he was denounc'd to the Church, that is to ſay, to the Biſhop, Presbytery, and the Believers, by whom he was a ſecond time rebuk'd; and if, after all, he continu'd obſtinate in his Error and Way of Living, he was baniſh'd their Communion, and reputed as the other Heathens and Publicans; depriving him of all that which the Church gives to her Faithful, and leaving him in the Civil Society with the other Heathens; and it was after true Repentance and a rigorous Penance, that he was again admitted into their Communion.

THAT Correction of Manners, during the popular State of *Rome*, reſided in the Cenſors, for which they were call'd *Magiſtri Morum*, who had Power to put a Mark of Ignominy on all ſorts of Perſons for Cauſes, of which the Law took no notice, as *Bodinus* wiſely and at large treateth. An Inſtitution certainly very commendable, which being laid aſide under the Emperors, was taken up by the firſt Chriſtians, who, by the Means of this Cenſure, kept themſelves in a ſingular Purity of Manners, as *Pliny* witneſſeth of the Chriſtians in his Time; and it is what *Tertullian* ſaith in his Apologeticks ſpeaking of the Aſſembly of the Church; *Ibidem*, ſays he, *exhortationes*, *caſtigationes*, *& Cenſura Divina*; whence it is, that they call'd the Head of each Church *Epiſcopon*, which is to ſay, the Inſpector of the Manners of his Church: For which Cauſe, Excommunications and other Puniſhments of the Church, are call'd to this Day Eccleſiaſtical Cenſures; a Matter which would require much longer Reaſoning, but we ſhall leave it to *Bodin* to make up what is wanting.

THERE was in thoſe Times, a Cuſtom introduc'd amongſt Chriſtians of ſubmitting their Differences to the Judgment of the Church, that they might not be oblig'd to plead before the Heathen Judges, according to the Precept of St. *Paul* in the firſt to the *Corinthians*. So that we ſee in *Tertullian*, *Clemens Alexandrinus*, and other Authors of thoſe Times, That thoſe who would not ſubmit, but made Chriſtians plead before the Heathen Magiſtrates, were look'd upon to be almoſt Heathens, or at leaſt bad Chriſtians: But thoſe Decrees which the Biſhops gave, were only arbitral Opinions, which did not bind the Parties but upon Honour; as when Perſons of Conſideration interpoſe in making up any Difference. In a word, they were not oblig'd to ſubmit: Neither after Sentence were they tied to obſerve it, leaving them at Freedom to have their recourſe to the Secular Magiſtrate.

THE Church, in her Infancy, took Cognizance of theſe three Occurrences only, to wit, of Matters of Faith and Religion, of which ſhe judg'd by Form of Polity: Of Scandal and leſſer Faults, which ſhe took under her Cognizance by way of Cenſure and Correction; and of the Differences among Chriſtians, which they brought before her, which ſhe decided by way of Arbitration and charitable Agreement. Whence it may be ſeen, that the Eccleſiaſticks had not that compleat Power of trying Cauſes, which in the Law is call'd *Juriſdictio*; but their Juſtice was call'd *Notio*, *Judicium*, *Audientia*, and never *Juriſdictio*.

SECT. VII.

Of the Election of MINISTERS.

IT belong'd likewiſe to the Church Diſcipline to provide her with Miniſters; and *Du Pin* [1] writes, That this Power was beſtow'd by Chriſt on the Apoſtles, of providing Succeſſors in their Churches, to wit, Biſhops, Prieſts, and other Miniſters. And indeed the Apoſtles, as may be gather'd from Sacred Hiſtory [2], ordain'd Biſhops in many Places, and left them to govern the Churches which they had founded: But afterwards, the Apoſtles being dead, when by the Death of any Biſhop the Church became vacant, they proceeded to the Election of a Succeſſor; and then they call'd the moſt neighbouring Biſhops of the ſame Province, at leaſt two or three, it being a difficult Matter to have numerous Councils in thoſe Days, if it were not in the Intervals of Perſecution, and ſometimes the Sees remain'd a long time vacant; and theſe joyning with the Presbytery, and the faithful People of the City, proceeded to the Election [3]. The People propos'd the Perſons they deſir'd might be elected, and gave Teſtimony of the Life and Manners of each of them; and laſtly, being united with the Clergy and the Biſhops preſent, conſented to the Election, and immediately the new Elect was conſecrated by the Biſhops. Sometimes the Clergy and the People had a greater or leſſer Share in the Elections, ſeeing in ſome they only expreſs'd their Deſire, and gave Teſtimony of their Life and Manners; in others they join'd in the Election [4], as happen'd in the Election of St. *Fabian* Biſhop of *Rome*, who, as *Euſebius* reports, was choſen by the Voice of the People, who had ſeen a Dove ſitting on his Head: Which when it fell out, and the Biſhops thought it convenient, they approv'd of the Election, and ordain'd the Elected; and the Election and Conſecration were perform'd at the ſame Time, and the ſame Biſhops were Electors and Ordainers: Nothing more being requir'd; foraſmuch as in thoſe firſt three Ages, the Right of Metropolitans to ordain the Biſhops of their Provinces was not yet declar'd by Canons, as it was afterwards in the fourth Age; of which we ſhall treat in the following Book, when we ſhall have Occaſion to ſpeak of the exterior Eccleſiaſtical Polity of the fourth and fifth Centuries.

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[1] Du Pin. de Antiq. Eccl. Diſc. diſſert. 1.

[2] Act. 14. ver. 23. 2 ad Corinthian. 8. ver. 19.

[3] Can. Sacrorum diſt. 63. Can. quanto. Can. noſce. ead. diſt.

[4] Ciron. in cap. 1. de Reſtitut. Spoliat. Marca de Concord. lib. 8. cap. 2. §. 2.

IN ſhort, this was the Eccleſiaſtical Diſcipline concerning the Election of Biſhops in theſe three firſt Centuries, as may be learn'd from the Letters of St. *Clement* the Pope, and St. *Cyprian*, Writers in the third Century [1]. The Election of Prieſts and Deacons belong'd to the Biſhop, to whom the Ordination ſolely appertain'd, altho', in the Election, the Clergy and People had their Share.

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[1] Cyprian. epiſt. 33.

SECT. VIII.

Of TEMPORALITIES.

IN thoſe early Times, there were not ſo much Wealth and Goods, as to make it worth while to ſeek the Adminiſtration and Diſtribution of them, nor yet to make Regulations about them. Neither had they fix'd Foundations, nor even the neceſſary Tythes ſettled [1]. The common Goods of the Churches, conſiſted only of Moveables, Proviſions for the Mouth, Cloathing, and ready Money, which the Faithful offer'd every Week, or Month, or when they pleas'd, there being no ſettled Rules nor Compulſion in theſe Offerings. As for Immoveables, the Perſecutions did not allow them to acquire any, or at leaſt to poſſeſs them any time. The Faithful willingly gave Oblations and Firſt Fruits, for keeping of which there were Perſons appointed, and, in our Saviour's Time, *Judas* had the Cuſtody of them: But they had no other uſe for theſe Things, than only to ſupply them when they wanted Cloaths and Victuals, and all that was over and above was diſtributed amongſt the Poor of the City.

THE Apoſtles, after our Saviour's Death, kept up the ſame Cuſtom, and laid up in common all that they collected from the Faithful, who, in order to follow them, ſold their Houſes and Farms, offering to them the Price of them; and, as is ſaid, put the Money to no other uſe, but for their own Neceſſities, and the Maintenance of thoſe whom they appointed to preach the Goſpel, and for relieving the Poor and Needy of the Places they paſſed through. And as the Number of the Faithful encreas'd, of courſe the Oblations were greater; and when they ſaw that they ſuper-abounded, that they not only were ſufficient for the Occaſions of the Church of one City, but that there was ſtill an Overplus, they were wont to diſtribute it amongſt the other Churches of the ſame Provinces, and often to ſend it to Provinces more remote, as their Neceſſities requir'd: So we obſerve in the Scripture, that St. *Paul*, after having made many Collections in *Macedonia*, *Achaia*, *Galatia*, and *Corinth*, uſed to ſend a great Part of them to the Churches in *Jeruſalem*; and after the Death of the Apoſtles, the ſame Cuſtom was obſerv'd by the Biſhops their Succeſſors. Afterwards, it was thought more profitable and expedient, that the Faithful ſhould not ſell Poſſeſſions, to give the Price of them to the Churches; but that the Churches themſelves ſhould keep them, that with the Fruits of them, and the other Oblations, they might be enabled to provide for the Poor and their own Wants; and altho' the Adminiſtration belong'd ſolely to the Biſhops, yet they being intent on more ſublime Works, ſuch as the Preaching of the Goſpel, and Converſion of the *Gentiles*, left the Care of diſpoſing of the Money to the Deacons; but that did not alter the Method of diſtributing it, ſeeing one Portion of it went to the Prieſts and other Miniſters of the Church, who for the moſt part lived together, and in common, and the Remainder was beſtow'd upon the Poor of the Place.

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[1] Tertullian, Nam nemo compellitur, ſed ſponte confert. Du Pin. ad Cenſor. in Bibliot. tom. 6. in fine, cap. 3. §. 13.

IN Proceſs of Time, in the Pontificate of *Simplicius*, about the Year 467. there having been ſome Frauds diſcover'd in the Miniſters in the Diſtribution of theſe Revenues, it was ordain'd, That all that was collected from the Incomes and Oblations ſhould be divided into four Parts, one of which was for the Poor, another for the Prieſts and other Miniſters of the Church, the third for the Biſhop himſelf and the Strangers he uſed to entertain, and the fourth was ſpent in building publick Churches, and in making more ſumptuous Edifices (which began in the Time of *Conſtantine the Great*) and encreaſing the Number of Ornaments and Holy Veſſels, and repairing the ſame. Neither was that Diſtribution always equal, ſeeing if the Poor were numerous in any City, their Portion was the greater, and if the Churches wanted but little Reparation, their Share was the leſs.

THIS, in ſhort, was the Eccleſiaſtical Polity in theſe three firſt Centuries of the Church, which being confin'd to it ſelf, had no Influence on the Polity of the Empire, and much leſs on the State of theſe Provinces, in which, by reaſon of the cruel Perſecutions, it was ſcarcely thought on. We ſhall behold it in a different Aſpect in the ſucceeding Ages, after *Conſtantine* gave it Peace; but monſtrous enough, and in more ſtrange Forms ſhall we ſee it, in the Ages leſs diſtant from us, when it was not thought enough to have transformed in ſo many Shapes both the Civil and Temporal State of Princes, but it was likewiſe attempted to ſubject Empire altogether to the Prieſthood.

THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK II.

THE Beginning of the fourth Century of Man's Redemption, and the Courſe of the ſubſequent Years, brought about ſuch ſtrange Revolutions in the *Roman* Empire, that being monſtrouſly deform'd in its Head and Members, aſſuming another Countenance and new Shapes, it was no more known to be the ſame it formerly had been. For all generous Cuſtoms being laid aſide, and the *Romans* having given themſelves up a Prey to Eaſe and Luxury; from robuſt and couragious, they became effeminate and feeble; from grave, ſevere and uncorrupted, full of Ambition and diſſolute. By which means their military Diſcipline became enervated and decay'd; and thoſe Arms which formerly had carried Terror and victorious Banners to the utmoſt Limits of the World, ſo deſpicable and unfit for War, that they were no longer able to keep under the Power of the very Nations, over whom they had ſo much and ſo often gloriouſly triumph'd; but, to their eternal Ignominy, yielded, and ſuffer'd themſelves to be ſhamefully ſubdued, and the Empire in a ſhort Time deſtroyed and miſerably over-run. *Pannonia*, *Rhetia*, *Meſia*, *Thracia*, and *Illyricum* were ſubdued by the *Huns*: The two *Gallias* loſt: *Spain* under the Power of the *Vandals* and *Goths*: *Africa* already poſſeſs'd by the *Vandals*: *Britain* by the *Saxons*: And *Italy*, the Queen of the Provinces, vanquiſh'd and overcome likewiſe by the *Goths*: And *Rome* itſelf ſack'd and deſtroyed. Neither had the *Romans* better Fortune in proceſs of Time in the

Eaſt. *Syria*, *Phœnicia*, *Paleſtine*, *Egypt*, *Meſopotamia*, *Cyprus*, *Rhodes*, *Crete* and *Armenia* were poſſeſs'd by the *Saracens*. *Aſia Minor* loſt, and at laſt all the Provinces of the *Roman* Empire ſubdued and overcome.

AS the Empire decay'd, ſo did Learning and all Diſcipline: The Juriſprudence began to loſe its Luſtre, and that Dignity, in which, for a Tract of ſo many Years, ſo many Civilians, the Favour of the Princes, the Wiſdom of the Magiſtrates, the Learning of the Profeſſors, and the Excellency of the Acadamies had maintain'd it. The Names of *Papinianus*, *Paulus*, and *Africanus* were no more heard of: The Oracles ceaſed, we ſhall never have any more *Reſponſa* given us by their Succeſſors; who being of obſcure Fame, undertook no other Charge, but to teach in the Academies, that which thoſe great Souls had left by their illuſtrious Labours. And even of theſe (ſuch lamentable and calamitous Times ſucceeding) ſcarcely a Trace or obſcure Knowledge hath reach'd Poſterity; which likewiſe would have been altogether loſt, if the Wiſdom of *Valentinian* III. opportunely with his Conſtitutions, had not reſtor'd them. And alſo the Knowledge of the Laws, which was only profeſs'd by the brighteſt Genius's of the City of *Rome*, was now baſely manag'd and reduced to be the Employment of the vileſt Men in the World.

THOSE prudent and wiſe Conſtitutions of the Princes, fram'd with ſo much Elegancy and Conciſeneſs, were no more read with Admiration and Amazement; but from that Time forward, prolix and ſwelling ones, more becoming a Declaimer than a Prince, and not to be compared with the firſt, either for Eloquence, Gravity, or Civil Prudence.

THE Magiſtrates having loſt that Rigour and Learning, took other Names, and with new Names, likewiſe new Cuſtoms; of Uncorrupted became Mercenary; of Wiſe and Grave, Ignorant and Inconſtant; of Moderate, Ambitious; and finally, full of Extortion and ſo Licentious, that if the Prudence of *Conſtantine*, *Valentinian*, and ſome other Princes from Time to Time, had not repreſs'd their Venality and Ambition, by the means of many Edicts [1], which they publiſh'd for that End, grievous and enormous Diſorders would have enſu'd.

THE Academies, by the Ignorance of the Profeſſors, and the depraved Manners of the Youth, were already render'd uſeleſs and full of Irregularities. The Youth given up to Riot, intemperate Feaſts, Games, Shews, Whores, and a thouſand other Sorts of Wickedneſs, ſeldom frequented them; ſo that they would have been altogether laid aſide, if the Care of *Valentinian the Elder* had not been ready to reſtore them with his XI. Academical Laws, which he directed to *Olibrius* Præfect of *Rome*, in the Year 370.

SO many and ſtrange Changes, ought to be attributed not only to corrupt Diſcipline, and depraved Manners, but likewiſe to that new Diviſion and new Form, which *Conſtantine* was pleaſed to make in the Empire. He was the firſt that put in practiſe that which *Diocleſian* had attempted formerly, to divide the *Roman* Empire into two principal Parts, and of one to make two Empires [2]. Foraſmuch as altho' ſometimes there had been more than one Emperor who reign'd at the ſame time; nevertheleſs they had never made any Diviſion amongſt them; neither had ever the Empire or the Provinces, or the Legions been allotted by way of Heritage. *Conſtantine* was the firſt, as *Euſebius* ſays [3], who divided the *Roman* Empire into two Parts, *Quod quidem nunquam antea factum eſſe memoratur.* For which Purpoſe he applied himſelf wholly to the founding of *Conſtantinople* in the Eaſt, in which he employed all his Magnificence and Power, that it might vie with *Rome*; and as the one was Head in the Weſt, ſo the other might be in the Eaſt [4]. Therefore he divided the Empire into the Eaſtern and Weſtern, aſſigning to each its Provinces. All theſe *Ultramarine* Provinces, from the Streights of the *Helleſpont*, to the Mouth of the *Nile*, *Egypt*, *Illyricum*, *Epirus*, *Achaia*, *Greece*, *Theſſaly*, *Macedonia*, *Thrace*, *Crete*, *Cyprus*, all *Dacia*, *Meſia*, and the other Provinces of that Tract, he put under the Eaſtern Empire, and *Conſtantinople* as its Head, and were divided into many Juriſdictions. To the Weſtern Empire, and the City of *Rome*, he left *Spain*, *Britain*, the *Galliæ*, *Noricum*, *Pannonia*, the Provinces of *Germany*, *Dalmatia*, all *Africa* and *Italy*; diſpoſing them in ſuch a manner, that two Emperors might govern the Empire, the one in the Weſt, the other in the Eaſt. He divided likewiſe the

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[1] We read it under the Tit. de Off. Rect. Provin. in Cod. Theodoſ.

[2] Pag. diſſ. de Conſulib. pag. 79.

[3] Euſeb. lib. 8. cap. 7. Valeſ. ibid.

[4] Jacob. Guther. de Off. domus Aug. lib. 2. cap. 6.

Senate, and thoſe Senators who were elected for the Provinces of the Weſtern Empire, were to remain at *Rome*, and thoſe for the Eaſtern at *Conſtantinople*; and divided the Conſuls after the ſame manner. He gave to *Conſtantinople* as well as *Rome*, the Prefecture with the ſame Pre-eminencies and Privileges; and all the other Parts of the Empire were divided in different Manners. Which new Diviſion we muſt here diſtinctly treat of, ſince it will not only ſerve for underſtanding the ſpecial Polity, and Temporal State of our Provinces, but alſo be of Uſe, for giving a more diſtinct Knowledge of the Eccleſiaſtical Polity, and how it came to be introduc'd into the Empire and our Kingdom, in the manner it now is.

CHAP. I.

Of the Diſpoſition of the Empire under Conſtantine the Great.

C*ONSTANTINE*, by the Example of his Predeceſſors, being jealous of the too great Power of the *Præfecti Prætorio*, who had often uſurped the Empire, divided that Office into four Parts, by making four Prefectures, and dividing the *Roman* World into four Climates or Regions. Theſe encompaſſed an immenſe Space of Heaven and Earth; and within their Limits were comprehended many Juriſdictions[1]: Theſe were the *Oriental*, the *Illyrick*, the *Gallican*, and the *Italian*, to which he gave four *Rectores*, whom he call'd by the ancient Name, but by a new Adminiſtration, *Præfecti ad Prætorium*: We have put *Italy* in the laſt Place becauſe we are to ſtop there.

The *ORIENTAL*.

UNDER the Command of the *Præfectus Prætorio* of the *Oriental*, he put five Juriſdictions, which were, the *Oriental*, the *Egyptian*, the *Aſiatick*, the *Pontick*, and the *Thracian*; which Juriſdictions, as is manifeſt from the *Theodoſian* Code, and from the Acts of ſome ancient Councils, were made up of many Provinces[2] in thoſe Days.

1. IN the *Oriental* Juriſdiction, the Head of which was the City of *Antioch*, there were XV. Provinces. I. *Paleſtine* the Firſt, II. *Paleſtine* the Second, III. *Phœnicia* the Firſt, IV. *Syria*, V. *Cilicia*, VI. *Cyprus*, VII. *Arabia*, VIII. *Iſauria*, IX. *Paleſtine* the Healthy, X. *Phœnicia* of *Libanus*, XI. *Euphratenſis*, XII. *Syria* the Healthy, XIII. *Oſdroena*, XIV. *Meſopotamia*, XV. *Cilicia* the Second.

2. IN the *Egyptian* Juriſdiction, the Head of which was *Alexandria*, there were VI. Provinces. I. The Upper *Lybia*, II. The Lower *Lybia*, III. The *Thebaide*, IV. The *Egyptick*, V. The *Arcadian*, VI. The *Auguſtianick*.

3. IN the *Aſiatick* whoſe Head was *Epheſus*, there were X. Provinces. I. *Pamphylia*, II. *Helleſpont*, III. *Lydia*, IV. *Piſidia*, V. *Lycaonia*, VI. *Phrygia Pacaſiana*, VII. *Phrygia* the Healthful, VIII. *Lycia*, IX. *Caria*, X. The Iſlands of *Rhodes*, *Lesbos*, and thoſe of the *Egean* Sea.

4. THE *Pontick* had XI. Provinces, and its Head was *Cæſarea*, and theſe were, I. *Paphlagonia*, II. *Galatia*, III. *Bythinia*, IV. *Honoriades*, V. *Cappadocia* the Firſt, VI. *Cappadocia* the Second, VII. *Pontus Polemoniacus*, VIII. *Helenopontus*, IX. *Armenia* the Firſt, X. *Armenia* the Second, XI. *Galatia* the Healthful.

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[1] Jacob. Guther. de Off. domus Aug. lib. 2. cap. 6.

[2] Petr. de Marca de Patriarc. Conſtantin. inſtit. Du Pin. de Antiq. Eccl. diſc. Diſſer. 2. §. 8. l. 9. C. Th. de Legatis, l. 3. C. Th. de equor. conlat. Balſamo in cap. 9. Conc. Chalcedon.

5. THE *Thracian*, firſt had *Heraclea* for its Head, afterwards *Conſtantinople*, and was made up of ſix Provinces. I. *Europe*, II. *Thracia*, III. *Emimontus*, IV. *Rhodope*, V. *Meſia* the Second, VI. *Scythia*.

The *ILLYRICK.*

UNDER the Government of the *Præfectus Prætorio* of *Illyricum* there were two Juriſdictions, the *Macedonian* and the *Dacian*.

1. THE *Macedonian*, the Head of which was *Theſſalonica*, was compoſ'd of ſix Provinces. I. *Achaia*, II. *Macedonia*, III. *Crete*, IV. *Theſſaly*, V. *Epirus* the Old, and *Epirus* the New, VI. A Part of *Macedonia* the Healthy.

2. THE *Dacian* of five. I. The *Mediterranean Dacia*, II. *Dacia Ripenſis*, III. *Meſia* the Firſt, IV. *Dardania Prevalitana*, and V. Part of *Macedonia* the Healthful.

The *GALLICAN.*

UNDER the Adminiſtration of the *Præfectus Prætorio* of the *Galliæ*, there were three Juriſdictions, the *Gallican*, the *Spaniſh* and *Britiſh*.

1. THE *Gallican* was made up of ſeventeen Provinces, and were I. The *Viennenſis*, II. The *Lugdunenſis* the Firſt, III. *Germania* the Firſt, IV. *Germania* the Second, V. *Belgium* the Firſt, VI. *Belgium* the Second, VII. The *Maritime Alps*, VIII. The *Appennine Alps*, IX. *Maxima Sequana*, X. *Aquitaine* the Firſt, XI. *Aquitaine* the Second, XII. *Novem Populana*, or *Gaſcony*, XIII. *Narbonenſis* the Firſt, XIV. *Narbonenſis* the Second, XV. *Lugdunenſis* the Second, XVI. *Lugdunenſis Turonia*, XVII. *Lugdunenſis Senonica*.

2. THE *Spaniſh* was compoſ'd of ſeven Provinces. I. *Betica*, II. *Luſitania*, III. *Gallicia*, IV. *Terragonenſis*, V. *Carthaginenſis*, VI. *Tingitania*, VII. The *Baleares*.

3. THAT of *Britain* of five. I. *Maxima Cæſarienſis*, II. *Valentia*, III. *Britannia Prima*, IV. *Britannia Secunda*, V. *Flavia Cæſarienſis*.

The *ITALIAN.*

LASTLY, under the *Præfectus Prætorio* of *Italy*, there were three Juriſdictions; the *Italian*, the *Illyrick*, and the *African*. The Juriſdiction of *Illyricum*, of which *Sirmium* was the Head City, was compoſ'd of ſix Provinces. I. *Pannonia Secunda*, II. *Savia*, III. *Dalmatia*, IV. *Pannonia Prima*, V. *Noricum Mediterraneum*, VI. *Noricum Ripenſe*. The *African* of five. I. *Africa*, where *Carthage* ſtood, II. *Biſacena*, III. *Mauritania Sitiphenſis*, IV. *Mauritania Cæſarienſis*, V. *Tripolitana*.

ITALY was divided into ſeventeen Provinces, as they were diſtinguiſh'd under *Adrian*; and that Diviſion continu'd as far down as *Longinus*'s Time, whoſe Order, according to the Book of the *Notitia* of the Empire (which no-body doubts of its being very Ancient, and compoſed in the Time of *Theodoſius the Younger*) is as followeth, I. *Venetia*, II. *Emilia*, III. *Liguria*, IV. *Flaminia*, and *Picenum Anonarium*, V. *Tuſcia* and *Umbria*, VI. *Picenum Suburbicarium*, VII. *Campania*, VIII. *Sicilia*, IX. *Puglia* and *Calabria*, X. *Lucania* and the *Brutii*, XI. *Alpes Cottiæ*, XII. *Rhetia Prima*, XIII. *Rhetia Secunda*, XIV. *Samnium*, XV. *Valeria*, XVI. *Sardinia*, XVII. *Corſica*.

PAUL WARNIFRIDE[1], Deacon in *Aquileja* ranketh them ſeveral ways; as for Example, *Liguria*, which is here in the third Place, and *Emilia* in the Second, he placeth in the Second and Tenth. But there is a greater Difference amongſt them, ſince *Paul*, by dividing the Province of the *Alps* into two, calling the other the *Appenine Alps*, adds one more to their Number than is deſcrib'd in the *Notitia*, where only the *Alpes Cottiæ* are found. But he, as *Camillus Pellegrinus* ſaith[2], having made that for his own Pleaſure, ſince he citeth in his own Favour, *Aurelius Victor*'s way of Reaſoning againſt thoſe who did not count them two, and did not rather cite an Imperial Reſcript, which would have been a proper

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[1] Paol. Diac. Hiſt. Long. lib. 2. cap. 11.

[2] Pellegrin. nella Campania.

Authority for ſupporting his Belief; ſo likewiſe for his own Pleaſure he ought to have chang'd the aboveſaid Order of ranking, which is of much leſs Conſequence.

ALL theſe Provinces were not on the ſame Footing, altho' they all obey'd, and were under the Direction of the *Præfectus Prætorio* of *Italy*, yet they had ſeveral other more immediate Adminiſtrators, to whom the Government of them was committed. They were firſt divided into two Lieutenancies, the one of *Rome*, and the other of *Italy*. In the Lieutenancy of *Rome* there were ten Provinces, *Campania*, *Hetruria* and *Umbria*, *Picenum Suburbicarium*, *Sicilia*, *Puglia* and *Calabria*, *Lucania* and the *Brutii*, *Samnium*, *Sardinia*, *Corſica*, and *Valeria*. In the Lieutenancy of *Italy*, the Head of which was *Milan* [1], there were ſeven Provinces, *Liguria*, *Emilia*, *Flaminia*, and *Picenum Annonarium*, *Venetia*, to which afterwards *Iſtria* was added, the *Alpes Cottiæ*, and both the *Rhetiæ*. The firſt were under the Government of the Lieutenant of *Rome*, whence they were call'd *Provinciæ Suburbicariæ*. The ſecond were under the Lieutenant of *Italy*, and therefore by ſome Writers ſimply call'd Provinces of *Italy*, diſtinguiſhing them from the others; which altho' they were incloſed between the *Alps* and the two Seas, and ſo a Part of *Italy*, (taking that Word in its large Signification) nevertheleſs, ſtrictly ſpeaking, the Provinces of *Italy* were thoſe only that were under the Command of the Lieutenant of *Italy*, whoſe Seat was *Milan*. Thus we obſerve in the Acts of the Council of *Sardica*, which was celebrated in the Year 347; the Cuſtom then being, that the Biſhops who were at the Council, not only ſign'd with the Name of their City, but likewiſe their Province, ſome of them ſign'd after this manner: *Januarius a Campania de Benevento. Maximus a Tuſcia de Luca. Lucius ab Italia de Verona. Fortunatus ab Italia de Aquileja. Stercorius ab Apulia de Canuſio. Securius ab Italia de Ravenna. Urſacius ab Italia de Brixia. Portaſius ab Italia de Mediolano*, &c. And the Reaſon was, becauſe *Verona*, *Aquileja*, *Ravenna*, *Breſcia* and *Milan* were of the Provinces which were under the Government of the Lieutenant of *Italy*, which could not be ſaid of *Beneventum*, *Lucca*, and *Canuſium*, which were in the Provinces of the Lieutenancy of *Rome*, and not in that of *Italy*.

THESE Provinces had likewiſe other more immediate Officers, to each of whom in particular, the Government of a Province was committed; but they were not all of the ſame Rank and Quality. Some were call'd *Conſular*, becauſe ſuch was the Quality of their Commander: As *Venetia*, *Emilia*, *Liguria*, *Flaminia* and *Picenum Annonarium*, *Toſcana* and *Umbria*, *Picenum Suburbicarium*, and our *Campania*. Others were call'd *Correctorial*, becauſe they were govern'd by *Correctores*, and not by Conſuls; ſuch were *Sicilia*, *Puglia* and *Calabria*; *Lucania* and the *Brutii*. And laſtly, ſome were call'd *Præſidial*, becauſe they were under the Direction of Preſidents; and theſe were the *Alpes Cottiæ*, the two *Rhetias*, and our *Samnium*, *Valeria*, *Sardinia* and *Corſica*. So the Chief Rulers of theſe Provinces were *Præfecti Prætorii*, the next *Vicarii*, and the laſt and more immediate were *Conſulares*, *Correctores* and *Præſides*; of which Offices and Employments it will be neceſſary briefly to treat in this Place.

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[1] P. de Marca de Concor. lib. 1. cap. 3. num. 12.

CHAP. II.

Of the Officers of the EMPIRE.

THE *Præfecti ad Prætorium* were thoſe, on whom, next to *Cæſar*, all the chief Honours and prime Dignities of the Empire were conferr'd [1]: To them was given the Sword by the Emperor, as a Badge of their great Authority [2]: Under whoſe Management and Government there were many Juriſdictions compoſ'd of many Provinces: They had under them the *Vicarii*, the *Rectores* of the Provinces, the *Conſulares*, *Correctores*, *Præſides*, and all the Magiſtrates of theſe Juriſdictions which were under their Care. They were to attend vigilantly, and to ſupply the Defects of theſe Magiſtrates [3], to admoniſh them, to inform them of the Laws; and, in a Word, to watch over all their Actions: Which Magiſtrates for their Part were to have recourſe unto the *Præfecti*, to report to them, and adviſe with them in dubious and difficult Matters. Moreover, it was lawful to appeal from all the foreſaid Tribunals to the *Præfecti*, who were to examine into the Cauſes of the Appeals, and to confirm or refuſe the Sentences; and from the Deciſions of the *Præfecti Prætorio* there was no room for Appealing but only by *Retractation*, which we now call *Reclamation* [4].

THE Emperors for the moſt part were wont to direct their Statutes to the *Præfecti*, that they might proclaim them in the Provinces under their Government: They had likewiſe under their Inſpection the Proconſuls, and they had many other Prerogatives, of which *Codinus*, *Gottifredus*, and *James Guterus* have learnedly written [5]. There were beſides theſe, two other *Præfecti* appointed for the Government of the two principal Cities of the World, to wit, *Rome* and *Conſtantinople*, under whoſe Power were the *Præfecti Annonæ*, who had the overſeeing of the Markets, and many other Magiſtrates, who were by various Employments appointed to take Care of, and govern theſe Cities, whom we have no occaſion to mention here.

AFTER the *Præfecti* the Proconſuls were next; an illuſtrious Dignity, and adorn'd with high Enſigns, the Ax, and the *Faſces*. In the Eaſt there were two of them, to wit, in *Achaia* and *Aſia*, and ſometimes there was a third in *Paleſtine*. In the Weſt there was only one, and that was in *Africa*.

THE *Vicarii* held the third Place, inferior to the Proconſuls, but much ſuperior and more eminent than the other Magiſtrates. Theſe, becauſe they repreſented the Office and Perſon of the *Præfecti*, were call'd in old Inſcriptions *Propræfecti*; and were ſet over whole Juriſdictions, and the Provinces of which they were compoſed. They were above *Rectores*, and other inferior Magiſtrates. Their principal Care was to inſpect the Tributes and the *Annonæ*; to puniſh Deſerters and Vagabonds; and keep them till they acquainted the Prince of them [6]. They not only judged *ex Ordine*, but often *ex Appellatione*, and ſometimes likewiſe *ex Delegato* [7]. The *Vicarii* had *Aſia*, *Pontica*, *Thracia* the Eaſt, *Macedonia*, *Africa*, *Spain*, *Gallia*, and *Britain*. There was beſides, the *Vicarius* of the City of *Rome*, under whoſe Direction, as hath been ſaid, were ſome Provinces of *Italy*; on which account they were call'd

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[1] Jacob. Guther. de Off. domus Aug. lib. 2. cap. 1.

[2] Plin. in Paneg.

[3] Guth. loc. cit. cap. 2. de Off. dom. Aug.

[4] Guth. loc. cit. cap. 3.

[5] Codin. de Off. Aul. Conſt. Got. in Notit. PP. to 6. C. Th. Guth. de Off. dom. Aug. lib. 2. cap. 1, 2, 3, 4.

[6] Petr. de Marca de Patriarch. Conſtit. Inſtit.

[7] Jacob. Got. in Notitia, to 6 C. Th.

Provinciæ Suburbicariæ. *Italy* alſo had its *Vicarius*, under whoſe Government were ſome other Provinces, whence they were were properly ſaid to be of *Italy*. And all theſe, as being of a high and eminent Degree, were call'd *Judices Majores* [1].

THEN follow'd the Officers of lower Degree, for which they were call'd *Judices Minores*; among theſe the *Rectores* of Provinces were the Chief, to whom the Government and Adminiſtration of ſome of them was given: Theſe were under the Direction of the *Propræfecti P.* to whom Appeals could be made. They had *Jus gladii*; and their principal Charge was to determine Pleas both Civil and Criminal, either where the Goods or the Life of Men were concern'd; and to ſee that no Wrong or Detriment was done by the leſſer Officers to their Provincials; and for that End, they were oblig'd at certain Times of the Year to make Circuits over all the Province, not only in the Cities, but likewiſe in all the Villages, to hear the Complaints of the Provincials, and diligently to enquire into the Inſolencies and Diſorders that had happened, and to redreſs them. To them was directed that Golden Edict, which puniſh'd Bribery and Extortion ſo ſeverely in Magiſtrates, which we read in the *Theodoſian* Code [2].

IN the ſecond Place were the *Conſulares*, to whom the Government of one ſingle Province was committed. Theſe were of greater Dignity than the *Correctores* and the *Præſides*; and they had likewiſe for their Badge the *Faſces*, and were diſtinguiſh'd by the Title of *Clariſſimi*. The Emperors were wont alſo to direct their Conſtitutions to the *Conſulares*; and on that account they were of greater Dignity than the *Correctoriales* and the *Præſidiales*. Among others, *Phœnicia* had its *Conſularis*, who had his Reſidence ſometimes in *Tyre*, ſometimes in *Berytis*, and ſometimes in *Damaſcus*, to whom many Laws were directed by the Emperors. All the moſt noted Provinces of *Italy* were for the moſt part under the Government of the *Conſulares*, ſuch as *Emilia*, *Liguria*, *Venetia*, *Picenum*, *Sicilia*, *Flaminia*, and our *Campania*.

NEXT to the *Conſulares* were the *Correctores*, to whom likewiſe was committed the Government of Provinces, under the Direction of the P. P. and were alſo dignified with the Title of *Clariſſimi*. Theſe were ſcarcely any thing inferior to the *Conſulares*, therefore much above the Dignity of the *Præſides*: And alſo to them the Princes directed their Conſtitutions. Some Provinces of *Italy* were govern'd by *Correctores*, ſuch as *Toſcany*, whoſe Reſidence was in *Florence* [3]: *Puglia* and *Calabria*, *Lucania* and the *Brutii*, of which we ſhall hereafter treat more diſtinctly.

IN the laſt Place come the *Præſides*, to whom likewiſe the Government of Provinces was committed; they were alſo called *Clariſſimi*, and had for Enſign the Banner, and were under the Command of the P. P. The other Provinces of *Italy* were under the Adminiſtration of the *Præſides*, ſuch as *Samnium*, *Valeria*, the *Alps*, the two *Rhetias*, *Sardinia*, and *Corſica*; and ſeldom did the Emperors direct their Conſtitutions to them. *James Guterus* [4] ranketh them otherwiſe, putting the *Præſides* firſt, next the *Conſulares*, after them the *Correctores*, and in the laſt Place the *Rectores* of Provinces, following in that *Zeno* [5] in one of his Conſtitutions, which we read in the *Juſtinian* Code. But we rather chooſe with *Gotifredus* [6] to follow the Order held by the Emperor *Gratian* in the *Theodoſian* Code, where the *Præſides* are in the laſt Place.

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[1] L. c. 5. de Off. Rect. Provinc. Revard. Coll. 3. 10. Got. l. unic. C. Th. de om. act. impetr.

[2] Cod. Th. tit. de Off. Rect. prov.

[3] L. 8. C. Th. de accuſat.

[4] Gut. de Off. domus Aug. lib. 1. cap. 5, 6, 7, 8.

[5] Zeno in l. 1. C. ut om. Jud. tam Civil.

[6] L. 13. C. Th. de Accuſationib.

CHAP. III.

Of the Officers to whom the Government of our Provinces was committed.

THAT which we now call the Kingdom of *Naples*, whether we regard the Diſpoſition of *Adrian*, or that of *Conſtantine*, was divided into four Provinces only; ſo that *Campania* is not now altogether within its Bounds, but part of it is withoutt them, and comprehendeth ſeveral Countries which now belong to the State of the Church of *Rome*. Theſe Provinces were I. *Campania*, II. *Puglia* and *Calabria*, III. *Lucania* and the *Brutii*, IV. *Samnium*. Of which one was *Conſular*; two *Correctorial*; and the other *Præſidial*. And all of them in the *Vicariate* of the City of *Rome*; for which reaſon they were all call'd *Suburbicariæ*.

IN the mean time, the Order of this Work requireth, that we ſhould diſcourſe ſeverally of each of theſe Provinces; of the Magiſtrates to whom the Government of them was committed; of the Laws, and their Inſtitution; that we may ſee what Form of Polity they had in the Time of *Conſtantine*, down to the laſt Emperors of the Weſt.

SECT. I.

Of CAMPANIA *and its* Conſulares.

THAT Country, which, as *Paul* [1] *Warnifrides* ſaith, for the Fertility and Pleaſantneſs of the Fields which are about *Capua*, was call'd *Campania*, had of Old at different Times, ſometimes more narrow, ſometimes more ſpacious Bounds, than it hath at this Day. Once it was extended from the Precincts of *Rome* to the River *Silaris* in *Lucania*; it included *Beneventum*: On the other ſide it ſpread its Limits to *Equo-Tutico*, now call'd *Ariano*. It was therefore reputed one of the moſt famous and noted Provinces of *Italy*; and for the Largeneſs of its Extent, and the many and famous Cities which adorn'd it, but eſpecially *Capua* its Head and Metropolis, it was renown'd and illuſtrious; therefore, for the Government and Adminiſtration of this Province there were no *Correctores* nor *Præſides* ſent, but *Conſulares*: A Magiſtrate, as is ſaid, altho' inferior to the *P. P.* and the *Vicarius* of *Rome*, under whoſe Direction it was govern'd, nevertheleſs adorn'd with greater Prerogatives than the *Correctores* and the *Præſides*. Their Seat was at *Capua*: It was in ſuch Eſteem with the Emperors, that frequently they directed the Conſtitutions and Imperial Mandates to them.

CONSTANTINE the Great, after having defeated and kill'd *Maxentius* (who had caus'd himſelf to be proclaim'd *Auguſtus* in *Rome*, and had lorded it for ſix

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[1] Paul Diac. l. 1. cap. 11.

Years over *Italy*) triumphing in *Rome* and all *Italy*, and all the other Provinces of the Weſt ſubmitting themſelves willingly to his Government, as the *Galliæ*, *Spain*, and *Britain* had done before them, while in the Year 313. he reſided in that City, he began to repair the Damages which *Italy* had ſuſtain'd, and to provide for its Neceſſities. He publiſh'd, for that End, many profitable and wholſome Decrees, which he directed to the People of *Rome*, and which we have to this Day in the *Theodoſian* Code [1]; and from thence going to *Milan*, by Means of other Edicts, which he publiſh'd in that City, he re-eſtabliſh'd the Affairs of *Italy* the beſt Way he could. Afterwards he went into *Gallia* and *Pannonia*, and having made Peace with *Licinius*, from thence he return'd to *Italy*, and in the Year 315, he ſtaid ſome time in *Aquileja*, and from that went to *Rome* and *Milan*: And in the ſucceeding Years, after he had travell'd into *Dacia* and *Gallia*, he returned to *Rome* in the Year 319, where, for the four Years following, he was buſied and intent, as much as in him lay, by various Edicts in reſtoring the Affairs of *Rome* and *Italy* to their ancient Form.

BUT afterwards paſſing into the Eaſt, and in the Year 325, having vanquiſh'd and kill'd *Licinius*, and being now Monarch of all the Empire, he began (as *Pagi* [2], contrary to the common Belief, attempteth to prove) to lay the Foundation of *New Rome*; and although in the following Year 326, returning into *Italy*, by *Aquileja*, he went to *Milan*, and thence to *Rome*; nevertheleſs he afterwards left that City and never return'd, but remov'd his Court into the Eaſt for ever; where, in the Year 328, being deſirous to finiſh the huge Bulk of *Conſtantinople*, he apply'd himſelf to it with all his Care and Induſtry, and there he ſpent the Remainder of his Life, being ſatisfied to look on the Affairs of theſe our Parts at a Diſtance. Hence aroſe all the Miſchiefs in the Weſt, which in Proceſs of Time brought on the Deſtruction of *Rome*, and the Diſſolution of the Empire: From thence ſo many Complaints of the *Romans*; which gave occaſion to *Porphyrius*, in his Panegyrick on *Conſtantine*, conjuring him, to ſay,

Et reparata jugans mœſti divortia Mundi
Orbes junge pares: det Leges Roma volentes
Principe te in Populos.

For which Cauſe ſome have reputed him rather the Deſtroyer of ancient *Rome* than the Builder of the New. Having entruſted the Government of *Italy* to his Officers, all good Diſcipline began to decay; and he being at a Diſtance, they abuſed the great Power that was put in their Hands, and in a ſhort Time the Strength and Vigour of theſe our Provinces began to decline. He left the Adminiſtration to the *Præfectus Prætorio*, to the *Vicarii*, and laſtly to the *Conſulares*, the *Correctores*, and the *Præſides*, to whom the Government of each Province was committed.

THE *Præfectus Prætorio* of *Italy* under that Prince, in the Year 321, was *Menandrus*: In the following Years, 334, 335, and 336, *Felix* was; who, from being *Præſes* of *Corſica* in the Year 319, was in theſe Years advanc'd by *Conſtantine* to ſuch a high Dignity. He had for his Succeſſor in the ſame Year 336, *Gregorius*, of whom *Optatus Milevitanus* in his Books frequently maketh mention. Of the *Vicarii* of *Rome* who govern'd under *Conſtantine*, there is no other Memory, but of a certain *Gennarus* or *Gennarinus* [3], in the Year 320.

BUT as for the *Conſulares* of this our Province of *Campania*, we are neceſſitated, from long Oblivion, where they have been bury'd to this Day, to ſubtract the Records of them.

THE firſt, of whom we have any Account, that govern'd under *Conſtantine the Great* immediately in our *Campania*, was *Barbarius Pompejanus*. He, as all the other *Conſulares* of this Province did, kept his Reſidence in *Capva*, which was the Head of it and the Metropolis. *Conſtantine the Great*, in the Year 333. while he ſtaid in *Thracia*, and properly in *Apros*, a Place not far diſtant from *Conſtantinople*, directed to him, at his Requeſt, that ſo renown'd and famous Conſtitution [4], by which it was enjoyn'd to all Magiſtrates, to enquire narrowly into the Truth of the Supplications, contain'd in the Reſcripts obtained from the Prince, ſo as that they might not be put in Execution, if the Allegation of the Party was not conformable to Truth; with which *Juſtinian* was ſo well pleaſed, that he would have inſerted it in his Code likewiſe [1]; which the Popes ſince have alſo imitated, by inſerting it in their Decretals [2].

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[1] L. 1. de Cenſ. lib. 1. de Petit. & Delat.

[2] Pagi in Diſſer. de Conſulib. pag. 145.

[3] Got. in notitia Dign. tom. 6. C. Th.

[4] L. 4. C. Th. de Diverſ. Reſcript.

THE other *Conſularis* of this Province, who govern'd under the ſame Prince, was *Mavortius Lollianus*, from the Teſtimony which *Julius Fermicius* gives us [3]: To him, *Firmicius*, in the Reign of *Conſtantine*, dedicated his Books of Aſtronomy, extolling, in the Preface of the Work, the great Merits of ſuch a great Perſonage [4], who after having laid down the Badge of *Conſularis* of *Campania*, was, by *Conſtantine*, rais'd to higher Honour, by giving him the Government of all the Eaſt, and laſtly the Badge of an ordinary Conſul; and *Conſtantine* being dead, he was afterwards in the Year 342, under *Conſtans*, again made *Præfectus* of the City of *Rome*; and under *Conſtantius*, his Brother, was likewiſe made *Præfectus Prætorio* of *Italy*. *Ammianus Marcellinus* maketh mention of him alſo, in which Author, in the Tranſactions of the Year 356, we likewiſe find his Elogy [5].

WE have no Knowledge of any other *Conſulares* of this Province during the Reign of *Conſtantine*: Neither do we read in the *Theodoſian* Code, any other Conſtitutions of that Prince directed to any other *Conſulares* of our *Campania*; yet there are not wanting in his other Edicts directed to the *Præfectus Prætorio* of *Italy*, or to the *Vicarius* of *Rome*, to whom he not only enjoineth the Care of the Juriſdictions committed to their Charge in general, but in many of his Laws, other ſpecial Proviſions are made for this Province in particular.

IN the mean time, in the Month of *May* in the Year 337, this Prince died, whoſe magnanimous Enterprizes gave him the Surname of *Great*, and his Son *Conſtans* ſucceeded to the Empire of the Weſt; to whom, by the Diviſion made with his other Brothers, *Africa*, *Illyricum*, *Macedonia*, *Græcia*, and *Italy* belong'd, and conſequently theſe our Provinces. On which Account, we read many Conſtitutions of this Prince in the *Theodoſian* Code, concerning the Government of them, and particularly of *Campania*; and tho' we know not the particular *Conſularis* who had this Province under *Conſtans*, yet we ſee his Laws, by which we perceive that he had the particular Care of it much at Heart. Of this Prince is that Law inſerted in the aboveſaid Code, under the Title *de Salgamo*, read and accepted in *Capua*, the Metropolis of this Province, proclaimed by him in the Year 340, for repreſſing the Inſolency of the Soldiers, who, on Occaſion of the War he had at that Time in *Italy*, with *Conſtantine* his Brother (who that ſame Year was vanquiſh'd and kill'd near *Aquileja*) were making Diſturbance in *Campania*, and by their Miſbehaviour and military Licentiouſneſs, were robbing the People both of their Honour and Subſtance; and what *Athanaſius* writeth in his Apology to *Conſtantius* [6], is a ſtrong Argument for making us believe, that *Conſtans* had made ſome Stay this Year in *Capua*.

BUT about the Year 350, *Conſtans* dying, ten Years after his Brother *Conſtantine*, his other Brother *Conſtantius* remain'd ſole Emperor; by which, theſe our Provinces, with *Italy*, fell under his Empire. In whoſe Reign, in the Years 352 and 353, *Merilius Larianus* was *Præfectus Prætorio* of *Italy*; to whom ſucceeded *Mavortius Lollianus* in the ſame Year 353. In this and the following Years, *Taurus* was *Conſularis* of our *Campania*, to whom *Conſtantius* directed many of his Conſtitutions. At the ſame Time, *Voluſianus* govern'd as *Vicarius* of *Rome*, to whom likewiſe *Conſtantius* directed many of his Laws [7]. And altho' we know not who were *Conſulares* of *Campania* under this Prince, neither do we read of their Names, nor any Edicts directed to them by *Conſtantius*, nevertheleſs there are many of his Conſtitutions directed to the *Præfectus Prætorio* of *Italy*, by which he taketh particular Care of this Province. Indeed, in the Year 355, he directed one of his Conſtitutions to *Mavortius Lollianus* at that time *P. P.* of *Italy*, which, becauſe it concern'd the Affairs of this Province, was read and proclaim'd in *Capua*, as the Subſcription teſtifieth [8]. And it was this Prince, who, to remove all Debates about Juriſdiction, which often fell out between the *Præfecti P.* of *Italy*, and the *Præfecti* of *Rome*, concerning Appeals, divided the Provinces; and while he reſided in *Sirmium*, an illuſtrious City in *Pannonia*, in the Year 357, he directed to *Taurus P. P.* of *Italy*, that ſamous Conſtitution [1], whereby he ordain'd, That all Appeals from *Sicily*, *Sardinia*, our *Campania*, *Puglia*, and *Calabria*, *Lucania* and the *Brutii*, *Picenum*, *Emilia*, *Venetia*, and the other Provinces of *Italy*, ſhould be brought to *Rome*, not to be decided by the *Præfectus* of *Rome*, but by the *Præfectus* of *Italy*.

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[1] L. & Si. 4. C. ſi contra Jus, &c.

[2] Cap. de cætero 5. extr. de Senten.

[3] Got. in Froſopogr. verb. Lollianus, tom. 6. C. Th.

[4] Firmic. in Præfat. oper. lib. 8. cap. 15.

[5] Ammian. Marcell. lib. 16. pag. 72. in geſt. Ann. 356.

[6] Ath. in Apolog. ad Conſtant. p. 526.

[7] Gotofr. in Proſopogr. tom. 6. C. Th.

[8] L. 25. C. Th. de Appellat.

CONSTANTIUS govern'd the Empire eleven Years, having finiſh'd his Days in the Year 361, and *Julianus* ſucceeded him, to whom theſe our Provinces likewiſe fell. *Mamertinus* was *P. P.* of *Italy* under him, and *Imerius Vicarius* of *Rome*; to them *Julianus*, and particularly to the firſt, directed many Laws. *Symmachus* [2] ſheweth plainly in the Tenth Book of his Epiſtles, who were the *Conſulares* of *Campania* in the Reign of *Julianus*. Where he maketh appear, the Conjunction which was in thoſe Days between the People of *Pozuolo* and thoſe of *Terracina*, who were both under the ſame *Conſularis*: *Symmachus* ſaith, That *Lupus* being *Conſularis* of *Campania*, under *Julianus*, perceiv'd well, and conſider'd the diſtreſſed Circumſtances of the Inhabitants of *Terracina*. They preſerve the Memory of this *Lupus* to this Day in *Capua*, by an Inſcription on Marble fix'd in the Wall of the Church belonging to the *Carmelite* Fryars, where we read theſe Words, altho' ſomething defaced [3].

- - RIUS LUPUS
- - - - - V. C.
- - ONS. CAMP
- - - - URAVIT

FROM the ſame Epiſtle of *Symmachus* we likewiſe gather, that *Lupus* was ſucceeded in that Command by *Campanus*. The Memory of another *Conſularis* of *Campania* is likewiſe preſerv'd in *Naples*, call'd *Poſthumius Lampadius*: The Marble may yet be ſeen lying on the Ground before the Church of the *Rotunda*; on which we read,

POSTUMIUS
LAMPADIUS
V. C. CONS. CAMP.
CURAVIT.

BUT in the *Theodoſian* Code there is no Veſtige, that either by *Julianus* or his Succeſſor, there had been any Edict or Imperial Mandate directed to them.

JULIANUS dying in the *Perſian* War in the Year 363. and likewiſe ſoon after him *Jovianus*; the Reign of that moſt religious Prince [4] having been only eight Months, if we will believe *Zoſimus* [5] and *Sozomenus*, or Ten according to *Philoſtorgius* [6]; *Valentinian* was aſſum'd to the Empire, who gave his Brother *Valens* the Title of *Auguſtus*; by which means the Empire was divided betwixt them [7].

VALENTINIAN kept the Weſt intirely to himſelf, that is to ſay, all *Illyricum*, with *Macedonia*, *Africa*, the *Galliæ*, *Spain*, *Britain*, and *Italy*; and left all the Eaſt to *Valens* [8].

VALENTINIAN then, to whom *Italy* was ſubject, after having travell'd over the other Countries of his Empire, and having provided what was neceſſary for them, came into *Italy*, and firſt to *Aquileja*, where in the two Months of *September* and *October* only, in the Year 364. he publiſh'd ten Conſtitutions, and employ'd his Time in looking after the State and Government of *Italy*; and many Edicts were directed by that moſt prudent Prince [9], as well to the *Conſularis* of *Campania*, as to the *Correctores* of *Lucania*, the *Brutii* and *Tuſcany*, and to *Mamertinus* at that Time *Præfectus* of *Italy*.

THERE govern'd in his Empire as *Præfecti P.* of *Italy*, *Mamertinus*, ſo much renown'd in the Works of *Ammianus Marcellinus*, *Rufinus*, *Probus*, and laſtly *Maximinus*. In the Year 364, *Severus* was *Vicarius* of *Rome*, and in the Year 367.

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[1] L. 7. C. Th. de Appel.

[2] Symmac. ep. 53. lib. 10. Div. Juliano moderante Remp. cum Lupus Conſulari jure Campaniæ Præſidens, Terracinentium contemplaretur anguſtias.

[3] Camil. Pell. in Campania.

[4] Idatius in faſtis.

[5] Soſim. lib. 3. p. 733. Soſomon. lib. 6. c. 6.

[6] Philoſtorg. lib. 8. c.

[7] Gothofr. Prolog. C. Th. cap. 8.

[8] Pagi Diſſert. de Conſulib. pag. 259.

[9] Am. Marcel. lib. 27. p. 360.

Magnus, and in 372. *Probus*, and in 373. *Simplicius*. We read alſo of more *Conſulares* of our *Campania*, to whom diverſe Laws were directed.

IN the Year 364. *Bulephorus* was *Conſularis* of *Campania*, to whom, while *Valentinian* reſided in *Altinum* a *Venetian* City, there were two Conſtitutions directed, which we read in the *Theodoſian* Code; the one under the Title *Quibus equorum uſus*, the other under the Title *Uſus interd.* By which the Exportation of Horſes and Arms was ſeverely prohibited, ordaining that no Perſon ſhould export them without his Licence, in order to extirpate Theft and many other Diſorders out of that Province. To the ſame *Bulephorus*, while he was *Conſularis* of *Campania*, he directed in the following Year 365. that other Conſtitution which we read under the Title *De curſu Publico* [2], while he ſtay'd in *Milan*. This Prince likewiſe made very proper Regulations, in order to exterminate the Robbers who greatly infeſted *Campania*, and to reſtore Peace and Tranquillity in this Province. The *L.* 1. *de Paſcuis*, and ſome other Conſtitutions were likewiſe his, by which he took Care of the Quiet of *Italy*, and particularly of the Provinces which compoſe the Kingdom of *Naples*. He, alſo in the ſame Year 365. while he was in *Verona*, made Proviſion for the common good of *Avelline*, a City within the Confines of this Province, commanding, by a particular Conſtitution [3], which we read in the *Theodoſian* Code, the aboliſhing of all that had been done by the Judge Ordinary, in prejudice of that Community contrary to their ancient Cuſtom.

FOELIX ſucceeded in this Year 365. as *Conſularis*, to *Bulephorus*, to whom, the ſame Year, *Valentinan* being in *Milan*, directed that Conſtitution [4] which we read in *C. Theod.* under the Title *Ad S. C. Claudianum*; of which alſo, the Author of that ancient Conſultation inſerted by *Cujacius* amongſt his own in *cap.* 10. maketh mention. And altho' that Author in place of *Campania* writeth *Macedonia*, nevertheleſs, as the moſt exact *Gotifredus* [5] obſerveth, the Subſcription which it beareth ought to convince us of the Miſtake, by which it is clear, that it had been ſubſcrib'd by *Valentinian* Emperor of the Weſt, while he was in *Milan*, and conſequently ought to belong to the Weſt, and not to the Eaſt, where *Macedonia* is ſituated.

TO *Fœlix*, under the ſame *Valentinian*, *Amphilochius* ſucceeded in the Charge of *Campania*. To whom, in the Year 370. *Valentinian* being in *Triers*, directed that Law, which under the Title *de Decurionibus*, is yet ſeen in the *Theodoſian* Code [6].

VALENTINIAN govern'd the Weſt, *Italy* and theſe our Provinces, with ſo much Prudence, that there was nothing more could be deſired: He re-eſtabliſh'd the Academy of *Rome*, and reſtored the Juriſprudence already much decay'd, and almoſt nothing left of its ancient Luſtre and Renown: He ſuppreſs'd the Extortion and Venality of the Judges by various Edicts. A moſt religious Prince, to whom, next to *Conſtantine the Great*, the Chriſtian Religion is much indebted; and *Italy* would have reaped much Benefit by him, if he had not been ſnatch'd from the World after only twelve Years Reign.

VALENTINIAN dying in the Year 374. ſix Days after, his Son *Valentinian* was made Emperor in *Pannonia*, who with *Gratian* his Brother divided the Empire of the Weſt after this manner (the Eaſt being govern'd by *Valens* their Uncle) to *Gratian* belong'd the *Galliæ*, *Spain* and *Britain*; and to *Valentinian*, *Illyricum*, *Africa* and *Italy* [7].

UNDER *Valentinian* II. and *Gratian*, *Maximinus*, *Antoninus*, *Heſperius*, *Probus*, *Sigarius*, *Ipatius*, *Flavianus*, *Principius*, *Euſignius* and *Preteſtatus*: Under *Valentinian* alone, *Triſolius*, *Polemius*, *Tatianus*, *Apodemius*, *Dexter* and *Euſebius* were *Præfecti P.* of *Italy*; and *Potitus*, *Antidius*, *Ellenius* and *Orientius* were *Vicarii* of *Rome* [8].

BUT there is no Veſtige remaining of thoſe who were *Conſulares* of *Campania* under this Emperor. Nevertheleſs there are many Conſtitutions of *Valentinan* II. who having reign'd eighteen Years, took great Care in providing for the Government of theſe Provinces, and of *Italy* in general. That Law [9], which under the Title *de Extra ordin.* we read in *Cod. Theod.* is of this Prince, which in the Year 382. he directed to *Segarius Præfectus P.* of *Italy*, by which he taketh Care of *Campania*,

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[1] Gothofr. in Proſopogr. C. Th. tom. 6.

[2] L. 24. C. Th. de Curſ. Pub.

[3] L. 68. C. Th. de Decurionib.

[4] L. 5. C. Th. ad S. C. Claudian.

[5] Got. ind. l. 5.

[6] L. 71. C. Th. de Decurionib.

[7] Got. Prologom. C. Th. cap. 8.

[8] Got. in Proſopogr. C. Th. tom. 6.

[9] L. 14. C. Th. de Extra ordin.

Puglia and *Calabria*, *Lucania* and the *Brutii*, which were much troubled and afflicted in theſe Times.

VALENTINIAN II. died in *Vienna* in the Year 392, after having reign'd eighteen Years; and after him *Theodoſius the Great*, *Arcadius* and *Honorius* his Sons ſucceeded. The Weſt fell to *Honorius*, by which *Italy* and theſe our Provinces were ſubject to him. And *Theodoſius* dying in the Year 395. *Honorius* then govern'd all the Weſt, while *Arcadius* his elder Brother reign'd in the Eaſt. Many were the *Præfecti P.* of *Italy* under *Honorius*, who liv'd long, and commanded the Weſtern Empire Thirty-one Years; and theſe were, *Meſſala*, *Theodorus*, *Adrianus*, *Longinianus*, *Senator*, *Curtius*, *Theodorus* II. *Cecilianus*, *Jovius*, *Joannes*, *Palladius*, *Melitius*, *Liberius*, *Fœlix*, *Fauſtinus*, *Joannes*, *Selevius*, *Adrianus*, *Palladius*, *Joannes* and *Proculus*. The *Vicarii* of *Rome*, who govern'd in the Time of *Honorius*, were *Varus* and *Benignus* [1]; and of *Conſulares* of *Campania*, we read under him only *Grachus*, to whom, while *Honorius* reſided in *Milan*, he directed in the Year 397, that Conſtitution which we read in the *Theodoſian* Code under the Title *de Collegiatis* [2]. *Honorius* likewiſe provided for this Province, in granting ſome Privileges concerning paying of Tributes, which is evident from that Conſtitution [3] he directed to *Dexter Præfectus P.* of *Italy*. And we have many other Laws by which he governed theſe our Provinces, at the ſame time that *Theodoſius* the younger Son of *Arcadius* reign'd in the Eaſt.

AT laſt *Honorius* dying in *Ravenna* in the Year 423. altho' *Theodoſius the Younger* reign'd over both the Empires alone for a Year, nevertheleſs in the following Year 424. he made *Valentinian* III. Emperor of the Weſt, to whom *Italy* with our Provinces were ſubjected. Under him *Voluſianus* and *Theodoſius* were *Præfecti P.* of *Italy*. And altho' we read not of any Conſtitutions of this *Valentinianus* directed to the *Conſulares* of *Campania*, nevertheleſs he was a Prince, to whom not only *Italy* and theſe our Provinces owed a great deal, for his particular Care and provident Government of them, but likewiſe our Juriſprudence, which was heretofore much decayed, he reſtored in the Weſt, at the ſame time that *Theodoſius* his Collegue was wholly intent upon reſtoring it in the Eaſt; of which in a more proper Place we ſhall treat at large. Theſe then were the Officers by whom in the Reign of *Conſtantine the Great*, to the End of that of *Valentinian* III. our *Campania* was govern'd. Therefore we obſerve ſome Marbles of ancient Buildings in the Cities of this Province, for good Deeds done by the *Conſulares* of *Campania*, inſcrib'd to them by the Inhabitants of *Campania*, *Naples*, *Beneventum*, and others, which may be ſeen in that laborious Work of *Gruterus* of the Inſcriptions of the old *Roman* World; and in *Capua* and *Naples*, as we have ſhewed, their Memory is preſerv'd to this Day. *Capua* was the Place of their Reſidence, as being in thoſe Times the Head and Metropolis of *Campania*, as *Athanaſius* calls it [4], who ſpeaking in his *Epiſtola ad Solitarios* of the Council of *Sardica*, and of the Legates ſent by him, amongſt whom was *Vincentius* Biſhop of *Capua*, in order to induce the Emperor *Conſtantius* to allow the Biſhops whom he had driven away, to return, ſaith, *Miſſis a Sancto Concilio in Legationem Epiſcopis Vicentio Capuæ, quæ Metropolis eſt Campaniæ*, &c. And for that Reaſon we ſee many Conſtitutions in the *Theodoſian* Code, read and accepted in *Capua*, becauſe the *Conſularis* who reſided in that City, was to publiſh them, and to take care they ſhould be diſperſed thro' the other Cities of that Province, that they might be known to all the Inhabitants.

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[1] Got. in Proſopogr.
[2] L. 1. C. Th. de Colleg.
[3] L. 1. C. Th. de Indulg. debit.
[4] Athan. ep. ad Solitarios.

SECT. II.

Of Puglia *and* Calabria, *and their* Correctores.

AFTER *Campania*, *Puglia* and *Calabria* follow, in which is the Country of the *Salentini*, who being united together according to the Book of the *Notitia* of the two Empires, form the ninth Province of *Italy*, and according to the Reckoning of *Paulus Diaconus* [1], the Fifteenth. This large Province extendeth itſelf Eaſt-ward to the *Adriatick* Sea which confineth it, and towards the Weſt and South its Bounds were *Samnium*, the *Brutii* and *Lucania*. Its moſt famous and flouriſhing Cities were *Lucera*, *Sipontum*, *Canoſa*, *Acerenza*, *Venoſa*, *Brunduſium* and *Tarentum*, and in the left Point of *Italy*, which extendeth itſelf for fifty Miles, is *Otranto*, a commodious City, and fitted for any Commerce, and derſervedly may be call'd its common Mart.

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[1] Paul. Diac. lib. 2. cap. 11.

PUGLIA and *Calabria* then were under one Government. For Largeneſs and Extent this Province required to be govern'd by a *Corrector*, and not by a *Præſes*, who was an inferior Officer. But who were the *Correctores* of this Province, or where they had their Reſidence, nothing can be affirmed for certain. There is not one Imperial Edict in the *Theodoſian* Code, directed to theſe *Correctores*: Only in *Venoſa*, a City of *Puglia*, among the ancient Monuments which are preſerv'd, we read an Inſcription on which a certain *Emilius Reſtitutianus Corrector* of *Puglia* is mentioned in theſe Words[1]:

LUCULLANORUM. PROLE, ROMANA
AEMILIUS. RESTITUTIANUS
V. C. CORECTOR. APULIAE. ET. CALABRIAE
IN. HONOREM
SPLENDIDAE. CIVITATIS. VENUSINORUM
CONSECRAVIT

Symmachus[2] likewiſe maketh mention of the *Correctores* of *Puglia*, whom he alſo improperly calleth *Rectores*. Sometimes inſtead of a *Corrector*, a Magiſtrate of equal Power was ſent into the Provinces who was call'd *Juridicus*. Of whom two Inſcriptions reported by *Guterus*[3] preſerve the Memory; one of them we read thus:

HERCULI. CONSERVATORI
PRO. SALUTE. L. RAGONI
JURIDIC. PER. APULIAM
PRAEF. J. D.

The other which is in *Rome*,

C. SALIO. ARISTAENETO. C. V.
JURIDICO. PER. PICENUM. ET
APULIAM

WE meet frequently with many Laws in the *Theodoſian* Code, by which there was particular Proviſion made for the Neceſſities of that Province. It was under (beſides the *Corrector* who had the immediate Command of it) the Direction of the *Præfectus P.* of *Italy*, to whom, by way of Appeal, they had recourſe; and tho' there be no Conſtitutions directed to the *Correctores*, yet there are not wanting of them directed to the *Præfectus P.* of *Italy* concerning the Government of the ſame. In the Reign of *Valentinian the Elder*, it was infeſted and troubled with Robbers; ſo that it behoved that moſt prudent Prince to make ſevere Laws for reſtraining and rooting them out; and for that end, directed his Conſtitution to *Rufinus* at that Time *P. P.* of *Italy* in Place of *Mamertinus*, whoſe Buſineſs it was to take Care of that Province, as well as the others of *Italy*, by which Conſtitution[4] a timely Remedy was procur'd for ſo great an Evil.

THERE is likewiſe in the ſame Code another Law of the ſame *Valentinian*, dated in *Lucera* in the Year 365. with this Subſcription: *VIII. KAL. Octobris. Dat. Luceriæ ad Rufinum (in Locum Mamertini) P F. P. Italiæ. James Gotofredus*[5] ſuſpecteth, that this *Lucera* is not that of *Puglia*, but the other ſituated in *Gallia Circumpadana*, betwixt *Milan*, *Verona* and *Aqueleja*, now call'd *Luzara*; but by what may be gathered from the Argument of that Law, and its relating to Paſturage, we have greater Ground to believe that it was this *Lucera* in *Puglia*, becauſe of its fruitful and plain Fields, which the other never had, for feeding Herds of Cattle, and Flocks

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[1] We read it Apud Ugel. Italia Sacr. de Epiſcopis Venus.

[2] Sym. lib. 10. Epiſt. 5. & 53.

[3] Gut. de Off. dom. Aug. lib. 1. cap. 8.

[4] L. 1. C. Th. Quibus equor. uſ.

[5] Got. in Chronologia C. Th. pag. 76.

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of Sheep, on which Account it was famous and remarkable among the *Romans*, and all Writers of Rural and Paſtoral Matters, and alſo over all *Europe*. But be that as it will, it is moſt certain, that the other Emperors of the Weſt, to whom the Government of *Italy* belong'd, took as great Care of this Province as of any other.

IN the Reign of *Honorius*, *Puglia* and *Calabria* were infeſted with *Jews*, who, by their living licentiouſly, were the Occaſion of no ſmall Confuſion, and of great Detriment to the Chriſtian Religion: At the ſame time, *Theodorus*, a moſt religious Man, was *Præfectus P.* of *Italy*, as vehement an Enemy to that Nation, as he was a Lover of the Chriſtian Religion; inſomuch, that he deſerv'd that Eſteem which St. *Auguſtine* had for his Perſon, by dedicating to him that Book of his, intitled, *de Vita Beata*, as he himſelf teſtifieth [1]. For remedying ſo great an Evil, *Theodorus* order'd the Suppreſſing of ſuch an inſolent and licentious Life which the *Jews* led; for which End, he obtain'd from *Honorius*, that ſo Praiſe-worthy and never-enough to be extoll'd Conſtitution [2], with which he repreſſed their Arrogance, and ſubjected them to very hard Conditions.

HONORIUS likewiſe, in the Year 413, granted ſome Immunity and Indulgence in the Tribute, to this Province, as we read in one of his Conſtitutions [3], of which we ſhall diſcourſe in a more fit Place: There are not wanting other Conſtitutions relating to the Government and right Adminiſtration of ſo vaſt and conſiderable a Province by other Princes, directed to the *Præfecti P.* of *Italy*, of which we ſhall ſpeak in a proper Place.

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[1] Auguſt. lib. 18. de Civit. Dei, c. ult.

[2] L. 158. C. Th. de Decurionibus.

[3] L. 7. C. Th. de Indulg. Debit.

SECT. III.

Of Lucania *and the* Brutii, *and their* Correctores.

LUCANIA extended her ample Bounds much farther of old than at preſent; beginning at the River *Silaris*, it did not only include what is now call'd the *Baſilicata*, but on the other hand ſtretch'd it ſelf as far as *Salernum*, ſo that this very City was within its Limits; ſince the *Correctores* of *Lucania* likewiſe were wont to reſide there. To it the *Brutii* were join'd, in what concern'd the Adminiſtration, who reach'd beyond *Rhegium* to the *Sicilian Streights* at the furtheſt Point of *Italy*.

THE *Lucanians* and the *Brutii* were under the ſame Government. The Corrector that was ſent by the Emperors for the Government of theſe Provinces, had an equal Command over both. His Dignity, altho' not ſo great as that of the *Conſulares*, was much greater than that of the *Præſides*, and was only dependent upon, and ſubordinate to the *Præfectus P.* of *Italy*, and the *Vicarius* of *Rome*, to whom they could have recourſe.

THEIR Reſidence was in the City of *Rhegium*, Head and Metropolis of that Province, although ſometimes the *Correctores* us'd to remove it to *Salernum* in *Lucania*, as the Neceſſity of the Publick Affairs requir'd: whence it is, that in theſe two Cities, to this Day, are ſeen ſome Remains of Marble Stones, which had been inſcrib'd to the *Correctores*: In *Rhegium*, in the Church of the *Catholica*, is to be read, altho' ſomething worn out by Time, this Inſcription:

CORRETTORI. LUCANIÆ
ET. BRITTIORUM INTE-
GRITATIS. CONSTANTIÆ
MODERATIONIS. ANTI-
STI. ORDO. POPULUSQUE
RHEGINUS.

AND in the City of *Salernum*, on 'an Arch which was formerly, where the Seat of the *Portareteſe* is now, there were to be ſeen ſome Statues of Marble upon their Baſes, on one of which were theſe Words[1]:

ANNIO. VITTORINO. V.C.
CORRECTORI. LUCAIÆ
ET. BRUTIORUM. OB
INSIGNEM. BENEVOLEN-
TIAM. EJUS. ORDO. POPU-
LUSQUE. SALERNITANUS.

THE Emperors were likewiſe wont to direct their Conſtitutions to theſe *Correctores*, which, for the Good of the Provinces, and quieting of any Diſorders that might happen in them, they were oblig'd to publiſh; and this Province can boaſt, That the firſt Laws which were publiſh'd in *Italy* after the Defeat of *Maxentius* by *Conſtantine the Great*, were thoſe which were ſent to the *Correctores* of *Lucania* and the *Brutii*; ſo that there is an earlier Account of *Correctores* in this Province, than of the *Conſulares* of *Campania*.

THE firſt who govern'd this Province, in the Beginning of the Reign of *Conſtantine*, was *Claudius Plotianus*, to whom, in the Year 313, a little after the Defeat of *Maxentius*, *Conſtantine* being in *Triers*, directed theſe two Conſtitutions, which we read in the *Theodoſian* Code[2], by which he put into a new Method, the Reports which the Judges, when they were doubtful, made to the Emperor in the Caſes of private Men.

CLAUDIUS was ſucceeded by *Mechilius Ilarianus* in the Year 316, to whom *Conſtantine*, the ſame Year, ſent that Law which we ſee in the *Theodoſian* Code[3], under the *Tit. de Decur.* and which, by our *Juſtinian*, bearing the ſame Inſcription of *Ilarianus* Corrector of *Lucania*, was inſerted in his Code under the ſame Title[4]. And to the ſame Corrector was directed the other Conſtitution of *Conſtantine*, which we read under the Title *Ad L. Corn. de Falſo* in the *Theodoſian* Code[5].

OCTAVIANUS ſucceeded *Ilarianus* in the Year 319, in the Dignity of Corrector of *Lucania*, to whom, while he was reſiding in *Rhegium*, *Conſtantine the Great* directed the *L. 1. de Filiis Milit. Apparit.* which was read and accepted in *Rhegium* as the Seat of the *Correctores*[6].

BUT there is no Record ſo clear and remarkable, that lets us ſee in how great Eſteem and eminent Degree the *Correctores* of *Lucania* were, as that famous and noted Conſtitution of *Conſtantine*, which we read in the *Theodoſian* Code, under the Title *de Epiſcopis*, which he directed to this *Octavianus* Corrector of *Lucania* in the ſame Year 319; by which he exempted the Clergy from Civil Functions, that they might not be diverted from the dutiful Attendance on ſacred Things. *Conſtantine* had indited ſuch another Law in the ſame Words, and had directed it to *Anulinus* Proconſul of *Africa* ſeven Years before; and as *Gotifredus* accurately obſerveth, this Conſtitution was like that, but however not the ſame, which he afterwards ſent to *Octavianus*: This famous Conſtitution was omitted by *Juſtinian* in his Code, becauſe many ſuch Laws are inſerted in it; but Cardinal *Baronius*[7] relateth it punctually in the ſame Year 319.

THERE is not the leaſt mention of thoſe who were *Correctores* of *Lucania* under the Empires of *Conſtans*, *Conſtantius*, and *Julianus*; we not being able to ſhew any Conſtitution directed to them by theſe Princes: But there are not wanting Edicts ſent to the *Præfecti P.* of *Italy*, which demonſtrate what Care they had of the Affairs of *Italy*, and of theſe Provinces in particular.

BUT we can give a particular Account of the Names of thoſe who were *Correctores* of *Lucania* under *Valentinianus*. *Artemius* was the firſt, who is often mention'd in the Hiſtory of *Ammianus Marcellinus*[8]: To him, when *Valentinianus* was in *Aquileja* in the Year 364, he directed that Conſtitution which we read under the Title *Privil. Apparit. Magiſtr.* And from the Inſcription of that Law we learn, that this *Artemius* frequently had his Reſidence in *Salernum*, ſince it was there read and accepted. To this ſame *Artemius*, while *Valentinian* was yet in *Aquileja*, were directed the Edicts, *L. 6. de Privileg. eor. qui in Sacr. Palat.* and *L. 21. de Curſu Publico.*

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[1] They are reported by Mazza, de Rebus Salernis.

[2] L. 1. C. Th. de Relat. l. 1. C. Th. de Appel.

[3] L. 3. C. Th. de Decur.

[4] L. 15. de Decur. lib. 10.

[5] L. 1. C. Th. ad L. Corn. de Falſo.

[6] L. 1. C. Th. de Filiis milit. apparit.

[7] Baron. ad A 319. num. 10.

[8] Ammian. Marcel. lib. 27. pag. 360.

BUT the Dignity of the *Correctores* of *Lucania*, and of this *Artemius*, and the Value the Emperors had for them, appear in nothing more than in this Conſtitution [1], never enough to be extoll'd, which we read under the Title *de Officio Rectoris Provinciæ*, which was directed by *Valentinian* I. from *Aquileja* in the Year 364. to *Artemius*. The moſt reſpectful and remarkable Titles that could be expected from any Prince, were profuſely beſtow'd on this Corrector of *Lucania*; *Cariſſime nobis : Gravitas tua : Sublimitas tua*, and ſuch like, were the moſt frequent. To him was directed that Conſtitution, in which he urgeth the Integrity of Judges, and their Diligence in diſpatching of Law-Suits: That they ſhould hear and determine Cauſes, whether they concern'd Mens Lives or Eſtates, publickly, and in the View of all the World, not privately and in a Corner, where there was Opportunity for Sollicitations and Venality; and the Sentence being once pronounc'd, ought to be publiſh'd and read in the Hearing of all preſent, that every Body might know what the Judges did, whether they judg'd conformable to Law and Juſtice, or perverſly for gratifying one of the Parties; whence it is, that in the Tribunals of this Kingdom, it always was, and continues to be a Cuſtom to this Day, to read and publiſh the Sentences, altho', at preſent, 'tis become a meer Ceremony and Formality. Publick Shews and merry Entertainments were forbidden to Judges, that they might not be diverted from, or turn careleſs of the Publick and Private Benefit, and withdrawn from ſerious and grave Actions.

SYMMACHUS govern'd *Lucania* and the *Brutii*, likewiſe under *Valentinian* I. who ſucceeded *Artemius* the Year following 365. That Conſtitution which we read [2] under the Title *de Curſu Publico* in the *Theodoſian* Code, while that Prince was in *Milan*, was ſent to *Symmachus* then Corrector of this Province. There is no Memory of any other *Correctores* of *Lucania* in that Code before this Time, neither under this nor any other of the Emperors his Succeſſors; altho' there is a Conſtitution [3] of *Theodoſius the Great*, which goes likewiſe under the Name of *Valentinian* II. under the Title *de contr. Erupt.* accepted and publiſh'd in *Rhegium* in the Year 384. and another [4] alſo accepted in *Rhegium* under the Title *de Operibus Publicis*; yet it ought not to be underſtood of *Rhegium*, which is ſituated among the *Brutii*; but as the moſt exact *Gotifredus* remarketh, of another *Rhegium* in the Eaſt, twelve Miles from *Conſtantinople*; which is evident, not only becauſe *Italy* was not within the Empire of *Theodoſius the Great*, but was comprehended in the Weſtern, govern'd by *Valentinian* II.; but beſides, theſe Laws were directed by *Theodoſius*, the firſt to *Cinegius*, the other to *Cæſarius*, both of them *Præfecti P.* of the Eaſtern Empire, of which *Theodoſius* was Emperor. And we muſt not omit, in this Place, to take Notice of the Cuſtom of the Emperors of thoſe Times, who, altho' the *Roman* Empire was divided amongſt them, and that each of them govern'd his own Share, and did not concern himſelf with that of the other, yet nevertheleſs the Laws, which were publiſh'd in their Dominions, bore the Names of all the Emperors who then reign'd in the Empire, altho' they were made by one only [5]. In like manner 'tis to be obſerv'd in publick Monuments, that albeit the Work had been erected for one only, nevertheleſs it bore the Names of all the reigning Emperors. The Ignorance of which Cuſtom hath been the Occaſion of many groſs Miſtakes in abundance of Writers, and the Laws of one Prince have been aſcribed to another; of which, as Occaſion offers, we ſhall give Examples.

WE find in the ſame *Theodoſian* Code, many other Conſtitutions of Princes, which, (altho' not directed to the *Correctores* of this Province, but either to the *Præfecti* of *Italy*, or to other Magiſtrates) ſhew what Care and Concern they had for the *Lucanians* and the *Brutii*. Theſe People, as all the other of theſe Provinces, were oblig'd to carry Wine to *Rome* for the Proviſion of that City, but they being at ſuch a Diſtance from it, were allow'd to pay Money in Place of the Wine [1].

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[1] L. 2. C. Th. de Officio Rector. Prov.

[2] L. 25. C. Th. de Curſu Publico.

[3] L. 5. C. Th. de Contr. Erupt.

[4] L. 35. de Operib. Publ.

[5] Got. in Prolog. C. Th. cap. 8.

HONORIUS exempted them from Tribute and Cuſtoms, as may be ſeen in that his Conſtitution, which we read in the *Theodoſian* Code [2] under the Title *de Indulg. Debit.* So much for *Lucania* and the *Brutii*, and their *Correctores*.

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[1] C. Th. tit. de Uſuris.

[2] L. 27. C. Th. de Indul. Debit.

SECT. IV.

Of SAMNIUM, *and its Præſides.*

SAMNIUM is ranked laſt; altho' a Province noted and famous enough with the ancient *Romans*, for the Boldneſs and Valour of its Inhabitants, and the Succeſs of their Arms, that they boaſted to have frequently beat the *Romans* themſelves; nevertheleſs, it was not honour'd, in the latter Times, with any other Magiſtrates but *Præſides*, who were inferior in Dignity to all the other Governors of Provinces. Therefore it being only a Preſidial Province, and becauſe the Emperors ſeldom directed their Conſtitutions to *Præſides*, we have no Memory left us of them or their Names. Its Bounds are uncertain, and varied with the Times. *Paulus Diaconus* places it betwixt *Campania*, the *Adriatick Sea*, and *Puglia*, and once it comprehended much more than the *Abbruzzi*, the County of *Moliſe*, and the Valley of *Beneventum*, do at preſent. Its moſt renown'd Cities were *Iſernia*, *Sepino*, *Theate* now *Chieti*, *Venafrum*, *Teleſia*, *Boſanum*, *Aſidena*, and *Samnium*, which gives the Name to the whole Province.

THIS Province, beſides the *Præſes*, was under the Direction and Government of the *Præfectus P.* of *Italy*, and the *Vicarius* of *Rome*. Neither was it neglected by *Valentinian the Elder*, who hearing that it was infeſted with Robbers, in order to free it of them, ſent for that Purpoſe to the ſaid *Præfectus* of *Italy* that Conſtitution [1], which we read yet in the *Theodoſian* Code.

NEITHER was it neglected by *Honorius*, who in the Year 413, granted to this Province, being ſadly oppreſs'd, a Releaſe from Taxes, as by the Conſtitution of this Emperor [2], directed to the ſaid *Præfectus* of *Italy*, we read in the *Theodoſian* Code. There are other Laws, by which the other Emperors took Care of the Affairs of this Province, directed to the *Præfecti* of *Italy*, under whoſe Charge it was.

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[1] L. 1. C. Th. Quibus equ. uſus.

[2] L. 7. C. Th. de Indulg. Debit.

CHAP. IV.

Of the firſt Invaſion of the Weſtrogoths, *in the Reign of* Honorius.

THESE Provinces, during the Reigns of *Conſtantine* and his Succeſſors, until that of *Honorius*, did not feel thoſe Miſchiefs and Calamities, which the other Provinces of the Empire had already groan'd under by the Invaſion of the *Goths*. This People having come out of *Scandinavia* in the Reign of *Conſtantine the Great*, and even ſooner, lived in common, altho' they fought under one Head, till ſuch Time as they choſe *Hermanaricus* for their King; but he dying, they divided amongſt themſelves, and in the Reign of the Emperor *Valens*, thoſe who call'd themſelves *Weſtrogoths*, elected *Fridigernus* for their Captain, and afterwards *Athanaricus* for their King. *Theodoſius the Great*, being a Lover of Peace, knew ſo well how to keep them within their Limits, that altho' he had not always a ſettled Peace with them, yet he reduc'd them to that Condition, that their King *Athanaricus* being dead, and they not mindful of chuſing another, all ſubjected themſelves to the *Roman* Empire, and became one Body of Troops, and fought under *Theodoſius*'s Banner, and were his Confederates and Auxiliaries. But this Prince dying in the Year 395, and being ſucceeded in the Empire of the Eaſt by *Arcadius* his eldeſt Son, his other Son *Honorius* reigning in the Weſt, theſe Princes, by their luxurious Way of Living, began to diſturb the Commonwealth, and to deprive the *Weſtrogoths*, their Auxiliaries, of thoſe Gifts and Penſions, which *Theodoſius* their Father, for ſecuring them to the *Roman* Empire and to his Banner, had largely beſtow'd upon them: Which diſpleas'd the *Weſtrogoths*, who fearing, that by ſo long Peace their Valour and Strength might be weaken'd, determin'd to do now, what they had neglected in the Reign of *Theodoſius*: they choſe *Alaricus* for their King; a Man, who for his cholerick Temper had acquir'd, amongſt his own People, the Surname of *Bold*; and being deſcended from the illuſtrious Stock of the *Balti*, was eſteem'd the moſt ſufficient to ſupport the Royal Dignity, with Decency and Magnificence. They conſidering, that it had been more to their own Honour, and the Glory of their Nation, to have conquer'd Kingdoms by their own Arms, than to have lived idle and lazy in thoſe of others, reſolv'd to go in queſt of new Countries in order to conquer them: For which end, having made up a ſufficient Army the beſt way they could, and having conquer'd *Pannonia*, *Noricum*, and *Rhetia*, they enter'd *Italy*, which being deſtitute of Troops, and having enjoy'd long Quiet, they began with great ſpeed to ſubdue, and halted at *Ravenna*, then the Seat of the Weſtern Empire[1].

HONORIUS having already left *Milan*, in the Year 402, made *Ravenna* the Place of his Reſidence, which he deſign'd to make the Seat of the Empire, that he might the more eaſily be able to oppoſe the Incurſions which Foreign Nations uſed to make on that ſide. But this Inſult of the *Weſtrogoths* was ſo ſudden and unexpected, that finding himſelf ſurpriz'd, and not able to draw his Armies together ſo quickly as was neceſſary for ſuppreſſing them, he was oblig'd immediately to hearken to a Treaty of Peace which *Alaricus* offer'd him; and altho' it was granted, that he and his Men might remain in *Italy*, nevertheleſs it was at laſt agreed upon, that the *Goths* ſhould leave it, and in exchange take *Aquitania* and *Spain*, Provinces in a manner loſt to *Honorius*, as being for the moſt part poſſeſs'd by *Giſericus* King of the *Vandals*. The *Goths* conſented, and having left *Italy*, were wholly Intent on the Conqueſt of thoſe Provinces. *Italy* ſuffer'd nothing by this firſt Invaſion; but they were provok'd afterwards by the deceitful Blow they receiv'd from *Stilico*, who, near *Polentia*, a City of *Liguria*, while they thought of nothing leſs, attack'd them unexpectedly; and altho' they were diſpers'd and overcome [1], nevertheleſs ſoon after taking Courage, and being again got together, and ſpurr'd on by the Treachery and Injury, return'd with Fury, and laying aſide the deſign'd Undertaking, they put *Stilico* and his Army to flight, and return'd into *Liguria*: They went on deſtroying with it *Æmilia*, *Flaminia*, and *Tuſcany*, and every Thing that came in their Way, till they got to *Rome*, all the Neighbourhood of which they ranſack'd and ravag'd: At laſt, having enter'd *Rome*, they only pillag'd it, *Alaricus* not allowing it to be burnt, or any Injury done to the Temples.

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[1] Prudent. lib. 2. adv. Simmac. Claud. de Bello Getico.

IT was not only *Rome*, and the aboveſaid Provinces that ſuffer'd theſe Devaſtations and Miſchiefs more than once, but ſoon after the ſame Calamity happen'd to the Provinces, which now make the Kingdom of *Naples*. *Campania*, *Puglia*, and *Calabria*, *Lucania*, the *Brutii*, and *Samnium*, had the ſame Fate. The *Goths* over-run every where, carrying Ruin and Deſtruction along with them, never halting till they came to the utmoſt Point of *Italy*, where being ſtopp'd by the *Sicilian Straits*, they fix'd their Reſidence amongſt the *Brutii*; and while *Alaricus* was there preparing for new Expeditions againſt *Sicily* and *Africa*, the Fleet which he had deſign'd for that Purpoſe was Shipwreck'd in theſe Straits, which diſmal Diſappointment ſtruck him ſo to the Heart, that he ended his Days, by an untimely Death, near to *Coſenza*, and, much lamented by his Followers, was buried in the Bottom of the River *Buſentum*, with many rich Spoils brought from *Rome* [2].

THE Death of *Alarick* gave Occaſion to the Affairs of *Italy*, and theſe our Provinces, under the Reign of the ſame *Honorius*, to become more ſettled and quiet; altho' *Ataulfus* [3], who ſucceeded *Alarick* his Kinſman, return'd to *Rome*, and, after the manner of Locuſts, deſtroy'd every thing in that City, that after ſo much Pillaging and Sacking had been left, and had ſo miſerably ruin'd *Italy*, when *Honorius* was unable to reſiſt him: Nevertheleſs, *Ataulfus* afterwards having married *Galla Placidia*, Siſter to *Honorius*, ſuch was the Power of the Love he had for that Princeſs, and the Tye of this new Alliance, that he made Peace with *Honorius*; and leaving *Italy* to its Liberty, he and his People return'd into *Gallia*, and made War upon the *Franks* and *Burgundians* who were infeſting it; and this was the firſt Foundation of their Kingdom in thoſe Countries: Foraſmuch as after the Death of *Ataulfus* and *Rigericus*, *Vallia* ſucceeded, to whom *Honorius* aſſign'd *Aquitain*, with many Cities of the Province of *Narbonne*, and fixed his Reſidence in *Thoulouſe*, and took the Title of the King of the *Weſtrogoths*, that is to ſay, of the Weſtern *Goths*, to diſtinguiſh themſelves from the *Oſtrogoths*, or the Eaſtern *Goths*, and afterwards Lorded it over *Italy*, as we ſhall ſhew anon.

ALARICK being dead, and *Italy* freed of the *Goths*, and Peace made with *Ataulfus*, *Honorius*, willing to repair the paſt Damages of theſe Provinces, in the Year 413, publiſh'd that Conſtitution [4] which we read in the *Theodoſian* Code. *Campania*, *Tuſcany*, *Picenum*, *Samnium*, *Puglia* and *Calabria*, *Lucania* and the *Brutii*, were reduc'd to ſuch a lamentable Condition, that *Honorius*, from *Ravenna*, then the Seat of the Weſtern Empire, directed to *John Præfectus P.* of *Italy*, that Law, by which he exempted their Inhabitants entirely from paying any Tribute, but the fifth part of what they were uſed to pay, remitting all the reſt.

NEITHER did *Honorius* take leſs Care of theſe Provinces in the ſucceeding Years, ſeeing, while he was ſtill at *Ravenna*, he publiſh'd many Laws for the good Government of them. That was likewiſe his which was dated in *Ravenna* [5], by which no Teſtament was of any Force after ten Years were expir'd, which we have yet in the *Juſtinian* Code. And in the Year 418. he anew exempted *Campania*, *Picenum* and *Tuſcany* from Tribute; ſo much was he intent on the Repairing the Affairs of *Italy* quickly.

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[1] Claud. lib. de Vict. Stilicon.

[2] Jornand. cap. 30.

[3] Paul. Æmil. de Reb. Franc. lib. 1.

[4] L. 7. C. Th. de Indul. Debit.

[5] L. 6. C. Th. de Teſtam.

BUT in the Year 423. he ended his Days in *Ravenna*; upon which *Theodoſius the Younger*, who had ſucceeded to his Father *Arcadius* [1] in the Eaſtern Empire, when he had reign'd but a ſhort Time alone, proclaim'd *Valentinian* III. *Auguſtus* and Emperor of the Weſt, who was Son of *Conſtantius* and *Placidia*; which Lady, after the Death of *Ataulfus* had been ſent back to *Honorius*, and married to *Conſtantius*. *Valentinian* having gone to *Ravenna*, and from thence ſoon after to *Rome*, ſettled the Affairs of that City, and reſtored the Juriſprudence, which in his Time had loſt much of its ancient Splendor; while at the ſame Time *Theodoſius* applied himſelf to the Re-eſtabliſhing it in the Academy of *Conſtantinople*, and was intent on framing the new Code, which from him hath the Name of *Theodoſian*.

SUCH then was the State of the Provinces which now form our Kingdom, from the Time of *Conſtantine* to *Valentinian* III. during which Time they were govern'd by thoſe Emperors, to whom by the various Diviſions of the Empire *Italy* did belong; and theſe were *Conſtantine the Great*, *Conſtans* and *Conſtantius* his Sons, *Julianus*, *Jovianus*, *Valentinian* I. *Valentinian* II. *Honorius* and *Valentinian* III. They were likewiſe under the Direction and Government of the *Præfecti* of *Italy*, and the *Vicarii* of *Rome*. And beſides had other more immediate Rulers: One *Conſularis*, two *Correctores*, and one *Præſes*, who reſiding in the Provinces committed to their Charge, more immediately govern'd them.

THEY were govern'd by the *Roman* Laws, and the Conſtitutions of theſe Princes, neither were there any other Laws heard of. Excepting ſome Cities in which there remain'd ſome Veſtige of the ancient Laws of municipal and confederated Cities, who liv'd conformable to their own particular Inſtitutions; no other Laws but the *Roman* were acknowledged in any of the Provinces, to which theſe Cities had recourſe as to the Fountain of all human and divine Laws, when their own Municipal failed them. Neither did that firſt Irruption, which the *Weſtrogoths* under *Alarick*, made into theſe our Provinces, diſturb the Polity or the *Roman* Laws; ſeeing that Prince, in the midſt of Arms, not minding the Laws, did nothing but over-run the Countries; and altho' he ſettled for ſome time amongſt the *Brutii*, yet he did not introduce new Laws. As a little after him did his Succeſſor *Ataulfus*, who at laſt made Peace with *Honorius*, and left *Italy* free to him, which he and *Valentinian* III. afterwards govern'd as the other Emperors of the Weſt their Predeceſſors had done.

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[1] Pagi Diſſert. de Conſulib. pag. 282.

SECT. I.

Theſe Provinces were never yielded or given away to any Perſon.

IF the Writers of this Kingdom, and eſpecially the Civilians, had but given the leaſt Attention in treating of this Matter, ſurely they would not have fallen into ſuch groſs and manifeſt Miſtakes, as they have ſtuffed their Works with: Neither would they have allow'd themſelves ſo eaſily to believe that fabulous Donation of all *Italy*, which they ſuppoſe was made by *Conſtantine* in the Year 324, to *Sylveſter* Pope of *Rome*, four Days after he had been baptiz'd by him. An Error ſo warmly eſpous'd by the *Italian* Authors, and eſpecially our Profeſſors, excepting *Bartolus* alone, that it hath been the Occaſion of an infinite Number of Blunders, even in Matters of moſt pernicious Conſequence: Some of them have gone ſo far as to put in Print, That after this Donation, the Emperors who ſucceeded *Conſtantine*, had no Title nor Right to theſe Provinces, as belonging to the Pope, and making S. *Peter*'s Patrimony: From whence comes the Right of Inveſtiture given ſince by the Popes to the ſeveral Princes; adding, that ever ſince that Time our Kingdom has been disjoin'd from the Empire, and therefore never after ſubject to the Emperors of the Weſt, and much leſs to thoſe of the Eaſt. Our Counſellor *Mat. de Afflict.* [1] arriv'd to ſuch a Pitch, that he did not ſcruple to ſay, That after that Donation, all the Conſtitutions publiſh'd by the Emperors who ſucceeded *Conſtantine*, for want of Power, had not the Force or Vigour of written Laws. The Regents [2] of our Collateral C. themſelves were not aſham'd to write, that after that Donation, the Succeſſors of *Conſtantine* had no Power of giving Laws to theſe Provinces; and that therefore we were to have recourſe to the Canon and not the Civil Law. Therefore we ought not in this Place to rob *Marinus Freccia* [3] our Civilian, of his deſerv'd Praiſe; he, among ours, was the firſt, by his Knowledge of Hiſtory, that reproach'd our Writers with ſuch a groſs Error, as little did he excuſe the Counſellor *Afflictus*, who was his Kinſman; neither did he pretend to vindicate him any other way, than by ſaying, *Affinis meus Hiſtoricus non eſt.*

BUT altho' theſe Writers may deſerve ſome Excuſe, and that we ought to impute their Miſtakes and Errors to the Ignorance of the Age they liv'd in; nevertheleſs our Modern Writers deſerve no Compaſſion, who after ſo many Reproofs, take Pleaſure, as if they were hired, to keep their Eyes ſhut, for fear they ſhould receive a little Light, that would diſperſe the Darkneſs in which they delight to live. And now a-days it hath been ſufficiently demonſtrated by ſo many famous and able [4] Men, That that forged Inſtrument of Donation was contriv'd in the eighth or ninth Century only, and foiſted into the Decrees of *Gratianus* [5]; whereas it was not mentioned in the Ancient, as S. *Antoninus* [6] and Cardinal *Cuſanus* teſtify: So that before that Time it was never heard of: The only Diſpute now amongſt Writers is, who ſhould be the Author, who firſt gave Body and Motion to this Chimera. Some contend that it hath been the Brat of ſome *Greek* Schiſmatick, who, in order to expoſe the Grandeur of the Church of *Rome* to the Emperors of the Eaſt, or to have occaſion to rail at and vilify the *Latin* Church and the Popes, according to the Cuſtom of that Nation, which is their bitter Enemy, thought that when ſuch a Piece of Forgery came to be diſcover'd, it would diſcredit them, and render them odious to the World; in like manner alſo many ſtrange and monſtrous Facts were imputed to them, which exceeded their Power. And in Conformity to this, we ſhall ſee in the Progreſs of this Hiſtory, the *Greeks* accuſing Pope *Gregory* II. of having excommunicated the Emperor *Leo*, and depoſed him from the Empire, and order'd his Subjects not to pay him Tribute; and for that end abſolv'd them from their Oaths, and a thouſand other extravagant Stories, for no other Purpoſe but to render them inſupportable, and Uſurpers of the Rights of other People; altho' that afterwards thoſe who were moſt addicted to the Court of *Rome*, took Advantage of what the *Greeks* had wrote for their own Ends, and applied it to other Purpoſes.

OTHERS, among whom is *Peter de Marca* [7], have written, That this Inſtrument was forg'd, not by any *Greek* or Schiſmatick, but by a *Latin*, and one who was faithful to the Pope: However, all agree that it was Fabulous, and are the more perſuaded of it, by the many Copies which are found that differ ſo much from one another. One way we read this Donation in the Decree of *Gratian* [8]; another way in the Tranſlation from the *Greek* into the *Latin*, reported by *Theodore Balſamo* [9], and which is to be found in the *Vatican* Library: In different manners do the Popes *Melchias*, *Nicolas* II. and *Leo* IX. [10] themſelves relate it. 'Tis expreſs'd in other Terms by *Peter Damian* [11], *Mathew Balſtar*, *Ivo de Chartres* and *Francis Burſattus* [12]; and differently reported by *Albericus* [13]: In a Word, there are more than twelve Copies, each of them differing from one another.

BUT if ſuch Writers were ignorant of the Acts of *Conſtantine*, and did not heed *Euſebius*, or the other Contemporary Writers, who have not ſo much as mention'd ſuch a memorable Fact, but kept a profound Silence; at leaſt the *Theodoſian* Code alone, and the Conſtitutions of the ſame *Conſtantine* which we read in it, are enough to undeceive them. They would have it, that while *Conſtantine* was in *Rome* in the Spring of the Year 324. he was guilty of this extraordinary Prodigality in Favour of *Silveſter*, four Days after his Baptiſm: But moſt certain it is, that *Conſtantine* was not in *Rome* during theſe ſuppoſed Months of the Year 324. but was buſied in the Eaſt in the War againſt *Licinius*; which being ended by his Defeat, and a compleat Victory obtain'd, it is likewiſe known, that he having gone to *Theſſalonica*, he remain'd there, and in the ſame Months exactly of the ſame Year 324. he did not remove from that City [1]; which is clearly prov'd by two of his Conſtitutions which we read yet in the ſame *Theodoſian* Code, which are in L. 4. under the Title *de Navicularii*s, which was publiſh'd by *Conſtantine* at the ſame Time while he was in *Theſſalonica*, and directed to *Elpidias*, under the Conſulſhip of *Conſtantine* III. and *Criſpus* III. which bears this Date, *Dat.* VIII. *Id. Mart. Theſſalonicæ*, *Criſpo* III. & *Conſtantino* III. *Coſs.* And by his other famous Conſtitution [2] whereby he preſcribes a Rule concerning the Diſpenſing with the Age, as well of Males as of Females, which altho' a little defac'd and mangled, was inſerted by *Tribonianus* in the *Juſtinian* Code [3]. *Conſtantine* made this Law following the ſame Year 324. being ſtill in *Theſſalonica*, as *Zoſimus* relates [4], dated thus: *Dat.* VI. *Id. Aprilis Theſſalonicæ*, *Criſpo* III. & *Conſtantine* III. *Coſs.* as *Gotofredus* corrects it; and was directed to *Lucer. Verinus*, who was Præfect of the City of *Rome* that Year, which is clear from the Words of the *Notitia* of the Præfects of *Rome*, where we read *Criſpo* III. & *Conſtantine* III. *Coſs. Lucer. Verinus Præfectus Urbi*: Whence it is that we read it but incorrectly in the *Juſtinian* Code: *Ad Verinum P. Prætorio.*

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[1] Afflic. in Conſtit. in prælud. q. 2. num. 2. & qu. 20. num. 1.

[2] Tappia de Jur. Regni lib. 1. de legib. lib. 1. num. 6. Ponte de poteſt. Proreg. tit. 11. num. 25.

[3] Frec. de Subſæud. lib. 1. pag. 53.

[4] Marca lib. 3. cap. 12. & lib. 6. cap. 6. §. 5. Schelſtrat. Antiq. illuſt. Part. 2. Diſſ. 3. cap. 8.

[5] Grat. Diſtinct. 96. cap. Conſtantinus 14.

[6] D. Anton. Archiep. Florent. Par. 1. Hiſt. 8. cap. 1.

[7] Marca lib. 3. cap. 12. num. 3. de Concor. Sacer. & Imp.

[8] Gratian. Diſt. 96. cap. Conſtantinus 14.

[9] Balſam. in Photii Nomocan. tit. 9. cap. 1.

[10] Cap. futuram 12. qu. 1. Cap. Fundamenta de Elect. in 6. Leo IX. Epiſt. 1. ad Michael.

[11] P. Damian. Diſcep. Synod. Blaſtar. Synop. Jur. Can. C. de Bulgar. Cypr. & Iber.

[12] Burſat. in fin. 1. Volum. conſ.

[13] Alberic. in l. 1. C. de Off. Præfect. urb.

THESE Laws convince us not only of the Forgery of this Donation, but likewiſe of the Miſtake of *Conſtantine*'s having been baptiz'd by the Hands of Pope *Silveſter* [5]. Neither ought others to make a Buſtle about the Actions of this Pope, which are not receiv'd by *Baronius* himſelf, but reputed Fabulous: And that is certainly a Miſtake, which is told among them, that in the ſame Year 324, *Calfurnius* was Præfect of *Rome*, when 'tis evident from the Dates of the foreſaid Laws, that *Lucer. Verinus* was Præfect of that City. They ought rather to be convinc'd by the Hiſtory of *Euſebius* of *Cæſarea* [6], a grave and ingenuous Man, who flouriſh'd at the ſame Time, and deſcrib'd the Actions of that Prince minutely; and if ſuch great and remarkable Facts had truly been, 'tis not credible, that they could have been omitted and paſſed over by ſuch a Man, in a Hiſtory which was publiſh'd in a few Years after the Death of *Conſtantine*, and was in the Hands of every body; who, to the great Shame and Reproach of *Euſebius*, would have thrown ſo great Ignorance in his Teeth, and given him the Lye, for telling that *Conſtantine* was baptiz'd in *Nicodemia* about the latter End of his Life, and not in *Rome*.

BUT what is now doubtful amongſt ſome, was not ſurely ſo amongſt the ancient Writers both *Greek* and *Latin*. *Theodoret*, *Sozomenus*, *Socrates*, *Photius*, and other *Greek* Authors wrote [7], that *Conſtantine* receiv'd Baptiſm not from the Hands of Pope *Silveſter* in *Rome*, but in *Nicodemia*, when he was dying: And among the *Latins*, S. *Ambroſius*, S. *Hieronymus*, and the Council of *Rimini* had likewiſe the ſame Belief [8]. Whence it is that our moſt grave and learned Divines, and the moſt careful Eccleſiaſtick Writers, ſuch as Cardinal *de Perron*, *Spondanus*, *Petavius*, *Morinus*, and the incomparable *Arnaldus* [9], contrary to the Opinion of *Baronius*, thought what is commonly believ'd concerning the pretended Baptiſm of *Conſtantine* in *Rome*, by the Hands of Pope *Silveſter* in the Year 324. four Days before the forg'd Donation, to be fabulous. Which ought to ſatisfy *Emanuel Schelſtrat* [10], inſtead of having recourſe to that ſtrange and unhappy Defence, that *Conſtantine* being already baptized in *Rome*, was by *Euſebius* re-baptiz'd in *Nicomedia*; ſeeing if it were even granted that *Conſtantine* in his latter Days did incline to the Doctrine of *Arius* and his Followers; yet the *Arians* were not wont in the Beginning of their Error to re-baptize the Catholicks, who went over to their Belief, as *Chriſtianus*

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[1] V. Zoſimum lib. 2. & Anonymum Sirmondi.

[2] L. un. C. Th. de his qui Væniam ætat.

[3] L. 2. C. eod. tit.

[4] Zoſim. lib. 2.

[5] Got. in chronol. C. Th. A. 324.

[6] Euſeb. lib. 4. de vita Conſtant. cap. 61 & 62.

[7] Theodoret. lib. 1. hiſt. cap. 32. Sozom. lib. 2. cap. 34. Socrat. lib. 1. cap. 39. Photius Cod. 127.

[8] Ambroſ. Serm. de obitu Theodoſ. Hieron. in Cronic. Conc. Arimin. apud Sozom. lib. 4. cap. 18.

[9] Arnald. Ars cogitand. Par. cap.

[10] Eman. Schelſtrat. Antiq. illuſtrat. Par. 2. Diſſert. 3. cap. 6.

Lupus ſufficiently proves: And it was long after that St. *Auguſtine* [1] charg'd ſome *Arians* with ſuch a Novelty, and wonder'd at it as a Thing new and extravagant, and upbraided them with it.

NEITHER ought it to ſeem ſtrange (altho' it may be going a little out of our Way) that *Conſtantine* being ſo zealous a Chriſtian as he was, in the following Year 325. would be preſent at the great Council of *Nice*, where he gave the laſt Proofs of his Piety, and perform'd ſo many pious and generous Actions in favour of his new Religion, being yet but a *Catechumen.* This will not appear ſtrange if we diſtinguiſh the Time of his having embrac'd this Religion, from that of his Baptiſm; and do but conſider the Cuſtom that was then common amongſt the Great Men, of delaying their Baptiſm till the Time of their Death.

CONSTANTINE not long after the Defeat of *Maxentius*, long enough before the Year 324. in which 'tis ſaid he was baptiz'd in *Rome*, had embrac'd our Religion, giving manifeſt Signs of his Sincerity, and of his Love and Beneficence towards it. Before the Year 324. he had publiſh'd many Conſtitutions concerning the Immunity of the Clergy from Civil Offices, and for building of Churches, and the Deſtruction and throwing down of the Heathen Temples; and likewiſe, that his ſo famous Conſtitution [2], by which he allow'd the Churches to purchaſe immoveable Goods, and gave Liberty to all Perſons to leave to them by their Teſtaments whatever they pleas'd, whence ſprung the Fountain of their Riches, and eſpecially of the Church of *Rome* above all others, was not promulgated after, but three Years before his pretended Baptiſm in *Rome.* It ought not then to ſeem ſtrange, if in the following Years, being yet a *Catechumen*, he ſhould ſtedfaſtly continue to favour the Church, and to adorn her with ſo many Prerogatives and Honours.

THERE was likewiſe at that Time a Cuſtom, as we have ſaid, that the great and moſt illuſtrious Perſonages of the Empire, altho' they embraced this Religion; nevertheleſs, by a very bad Cuſtom, were wont to delay Baptiſm until they were in great Danger of their Lives, and expos'd to ſome doubtful and dangerous Enterprize. Neither was this Cuſtom left off during the Reigns of *Conſtantine* and his Sons, but laſted long after, even in the Reigns of his other Succeſſors, altho' otherwiſe they were moſt religious Princes. So we read of *Theodoſius the Great*, who tho' he embrac'd the Chriſtian Religion, and gave evident Proofs of his Piety, yet he continu'd ſtill a *Catechumen*, and would not be baptiz'd, until he fell grievouſly ſick in *Theſſalonica* in the Year 380. When he ſaw himſelf in Danger, he ſent for the holy Biſhop *Acolius*, by whom he was baptiz'd, whereby he not only got Health to his Soul, but to his Body likewiſe [3].

VALENTINIAN II. was a Prince, of whom it was always ſaid, that as all the Miſchief of his Reign was owing to *Juſtina* his Mother, ſo all that was Good was his, as was very evident after her Death; being yet a *Catechumen*, he would not be baptiz'd; but juſt as he was ready to enter into Battle with the Barbarians, he intreated St. *Ambroſe* to come quickly and baptize him. But while this holy Biſhop was croſſing the *Alps* on his Way to *Vienna*, where this Prince then was, he heard of his diſmal Death; for *Arbogaſtus* being diſcontented at his having taken the Command of the Army from him, corrupted ſome of his Officers, and the Eunuchs of the Palace, and caus'd him to be ſtrangled in his Bed while he was aſleep, in the Night of *Saturday* the 15th of *May* 392. being the Vigil of *Pentecoſt.* Which doleful Accident was bewail'd in a very learn'd and elegant Funeral Oration by the ſaid Biſhop [4], which he rehearſed at his magnificent and pompous Obſequies; in which he maintain'd, That Baptiſm having been deſir'd, and with ſo much Fervency demanded by that Prince, had purified him from all the Stains of his Sins, and had carried him to the Enjoyment of the Pleaſures of Eternal Life.

THE Hiſtory of St. *Ambroſe* himſelf is likewiſe very remarkable, who did not receive Baptiſm, until he was promoted to the Biſhoprick of *Milan.* It is alſo ſaid of the famous and renown'd *Benevolus* firſt Chancellor to the Empreſs *Juſtina*, that he might not have a Hand in that Edict, by which Liberty was given to the *Arians*, freely to profeſs their Error; he gave a generous and noble Denial, and retired from Court; and beſides, demanded Baptiſm preſently, which, according to the Cuſtom of the great Men, he had delayed to the laſt. We could here give a great many ſuch Examples, both from ſacred and profane Hiſtory. And 'tis probable, that our *Torquatus*[1] meant this Cuſtom, which it ſeems was likewiſe in *Ethiopia* in the Reign of *Senapus*, when, ſpeaking of *Clarinda*, he mentions that her Baptiſm had been deferr'd.

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[1] Auguſt. lib. de Hæreſib. cap. 48.

[2] L. 4. C. Th. de Epiſ.

[3] Socrates lib. 5. cap. 6. Sozomon l. 7. c. 4.

[4] Ambr. in Orat. fun. Valent.

IT was thought, that delaying Baptiſm to the laſt Moments of Life, was in order to ſhun the very rigorous publick Penance, which the Church in thoſe Days impoſed on penitent Chriſtians; and that by putting it off to the laſt, they were made more ſure of eternal Salvation; ſeeing any Perſon was thought fit to adminiſter that Sacrament, even an Infidel, a *Neophyte*, or any ſilly Woman, and the Matter of it being always at hand, which is Water, and the Form of it ſoon perform'd and eaſy, conſiſting of few and ſimple Words, it ſeldom or never happen'd to the moſt unfortunate of Men to be ſo ſuddenly ſtruck dead, as that they could not have Time to be ſprinkled with ſo healthful a Water, which, in an Inſtant, by the infinite Merits of Jeſus Chriſt, waſh'd away all the Filthineſs contracted in this mortal Life, and carried them certainly to the Felicities of another Immortal and Eternal.

BUT it was afterwards obſerv'd, that ſuch a bad Cuſtom gave occaſion to Men to lead a licentious Life, and to be prone to all Irregularities and Wickedneſs; and Experience making it evident, that many dy'd as they had liv'd; and that Death might ſeize on them ſo ſuddenly, that they might want theſe Helps, of which the diſmal Accident that befel *Valentinian* was a terrible Example; therefore the Fathers of the Church began to declaim againſt ſuch a pernicious Cuſtom: Whence *Baſilius* and his Brother *Gregory* of *Niſſa*[2] in the ſame Century, did all that in them lay, to aboliſh ſuch a dangerous Cuſtom; and St. *Ambroſe*, who ſucceeded them, after having bewail'd the Misfortune of it, apply'd himſelf ſtrenuouſly, and did all he could to eradicate it, by often inveighing moſt vigorouſly againſt ſuch an Abuſe[3]; ſo that at laſt it was baniſh'd out of the Church, and never more ſuffer'd; whence the contrary is commendably practis'd to this Day.

BUT to return to our Subject, theſe our Provinces were not ſubjected, nor given to any Perſon by *Conſtantine*; but were rul'd and govern'd by the ſame Prince, after the Year 324, in the ſame Manner as before, and to the Day of his Death he took Care of them, by committing the Government of them to the *Præfecti P.* of *Italy*, to the *Conſulares*, *Correctores*, and the *Præſides*, and he eſtabliſh'd many Laws, which he directed to them for their right Adminiſtration. As ſoon as *Conſtantine* had diſpatch'd the Council of *Nice*, and the Affairs of the Eaſt, he return'd the Year following 326, by *Pannonia* into *Italy*, and ſettled in *Aquileja*, where, in the Month of *April* of that Year, he publiſh'd ſome Conſtitutions[4]; from thence he went to *Milan*, where he publiſh'd others[5] in the Month of *July*; and finally, in the ſame Month, came for the laſt Time to *Rome*, where he remain'd a long Time with his Mother *Helena*, who, in the ſame Year 326, in the Month of *Auguſt*, dy'd in the Arms of her Son and Grand Children, and was bury'd there[6]. This very ſame Year, many Laws were publiſh'd by *Conſtantine*[7] in *Rome* concerning the *Annona* of the ſaid City; and many Things were eſtabliſh'd for the Neceſſities of theſe Provinces by this Prince, until he return'd to the Eaſt, where he gave himſelf up entirely to the Re-eſtabliſhing of the new Empire and *Conſtantinople*.

BUT in the mean time, the Affairs of the Weſt, and theſe our Provinces, were not neglected, being committed to the Charge of the *Præfecti P.* of *Italy*, and more immediately to the *Conſulares*, *Correctores*, and *Præſides*, ſo that they were govern'd by *Conſtantine* and his Succeſſors down to *Valentinian* III. as we have ſhewn; ſo far was it from any other Perſon's having any Right or Superiority whatſoever over them.

THEREFORE the Story of *Naples* ought to be look'd on as a Romance, which is thus related, That it being at that Time within the Limits of *Campania*, and ſubject to the *Conſulares* of that Province, was excepted out of that Donation only, it having pleas'd *Conſtantine* to keep it to himſelf, upon this gracious Account, That he having occaſion to make many and frequent Voyages to the Eaſtern

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[1] Torq. Taſſo Canto 12. Ott. 75. G. L.
[2] Gregor. in Orat. in Baptiſ.
[3] Ambroſ. in Serm. de Sanct. & alibi.
[4] L. unic. C. Th. ſi quis eam cujus tut.
[5] C. Th. de falſa moneta.
[6] Auct. Vitæ Conſtant. lib. 3. cap. 46. c. 27.
[7] L. 5. C. Th. de Navicul. L. 1. de Præd. Navicul. L. 4. de Infirm. his, quæ ſub Tyran.

Tranſmarine Countries, he was willing to reſerve one City, in which, as he paſs'd, he might ſtop a little to refreſh himſelf after the Fatigue and Hurry of a Journey. The Accounts of the Journies of this Prince, in Company with Pope *Silveſter*, to *Naples*, are more ridiculous; and that which deſerves yet more to be laugh'd at is, that they two having embark'd in the Port of this City, went together to *Nice*, the Metropolis of *Bythinia*, where they were preſent at that great Council: and *Conſtantine* returning to *Italy* in the Year 326, ſtaid ſome time in *Naples*, where he was receiv'd a-new by the *Neapolitan* Republick, with the greateſt Marks of Eſteem and Gladneſs; and that he built ſo many Churches, with a hundred other trifling Stories with which they have ſwell'd their Volumes: So that thoſe who conſider ſuch fabulous Stories, and that this Prince, in his returning to *Italy*, paſs'd no other way but thro' *Pannonia*, and that if he intended to go from *Rome* to the Eaſtern Parts by Sea Voyages, he had the *Via Appia* ready and free, which was continu'd to *Brunduſium*, where he could embark with the greateſt Eaſe: In like manner, *P. Caracciolo*[1] would make us believe, that *Brunduſium* was the Place where St. *Peter* landed, being moved by no other Reaſon to believe it, but becauſe it was the moſt ready Road for thoſe who by Sea went from *Rome* to the Eaſt, or from thence to *Rome*; for which Reaſons, 'tis to be doubted whether *Conſtantine* ever ſaw *Naples*, ſo far from his having ſtaid there and built ſo many Churches, as if he had had no other Buſineſs to do there but to build Churches[2]; whereas 'tis evident, that any Veſtige of *Grecian* Structure that is now remaining in any Church of this City, hath no Marks of having been built in the Time of *Conſtantine the Great*, but of later Times, during the Reigns of the other *Conſtantines*, Emperors of the Eaſt, towards the very laſt Times of the *Grecians*, when the *Neapolitan* Dukedom was ſubject to the *Grecian* Emperors; of which we ſhall have a more proper Occaſion to ſpeak: And *P. Caracciolo* himſelf[3] cannot deny, that many Churches which are attributed to *Conſtantine the Great*, were erected in *Naples* in much later Times; altho' he be perſuaded, that this Emperor was in *Naples* with his Mother *Helena*, and believ'd, that that of St. *Reſtituta*, and the other of the Holy Apoſtles, were built by him; which he can't prove by any contemporary Authors, but has recourſe to Tradition, *Anaſtaſius*, and other later Writers[4].

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[1] P. Caracc. de Sacr. Neap. Eccl. Mon. cap. 3. ſect. 4.

[2] Tutin. dell' origin. de Seggi, cap. 2.

[3] P. Caracc. de Sacr. Neap. Mon. cap. 21. ſect. 5 & 6.

[4] Idem Aut. loc. cit. ſect. 2 & 3.

CHAP. V.

Of New Laws, *and New* Juriſprudence, *under* CONSTANTINE, *and his Succeſſors.*

THE new Diſpoſition of the Empire under *Conſtantine*, as it produc'd many Changes in the Civil State of its Provinces, ſo likewiſe was it the Occaſion of various Alterations in the *Roman* Juriſprudence. It began to take a new Form and Appearance, after he began to make new Laws, endeavouring all he could to cancel the old, and to introduce new Cuſtoms into the Empire; whence it was, that *Julianus* uſed to call him *Novator*, and a Diſturber of the ancient Laws and Cuſtoms[1]. He alter'd the Manner of Judging, and aboliſh'd the ancient Forms, and introduc'd a new Way of Proceeding. The Magiſtrates took other Titles: and if at any time they retain'd the Old, yet their Juriſdiction was different, and their Buſineſs not the ſame: New Dignities were introduc'd, and thoſe not only of the Officers of the Palace, but likewiſe of the Military were chang'd, and the Precedency among them alter'd; whence came the new Names and Titles belonging to their Offices and Authority, which we read in the *Theodoſian* Code [1].

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[1] Ammian. Marcel. lib. 16. cap. 21. p. 205.

BUT the moſt powerful Occaſion which wrought ſo great a Change in the ancient *Roman* Juriſprudence, was the venerable Chriſtian Religion, which *Conſtantine* embracing with ſo great Ardency, it inclined him, and made him ſo deſirous of eſtabliſhing new Laws, which, according to the Maxims of this new Religion, were to be ſomewhat contrary and different from thoſe of the *Gentiles.* Firſt of all, he was Intent on changing the *Roman* Cuſtoms, and their ancient Religion; for which End, he publiſh'd many Edicts directed to the *Roman* People, and to the Præfects of that City; and he apply'd himſelf to nothing elſe all thoſe four Years that he ſtaid in *Rome*, which was from the Year 319, to the Year 322: He prohibited in *Rome*, which was the City moſt addicted to the Superſtitions of the ancient Religion, the Soothſayers from privately foretelling future Events, altho' he allow'd of it in publick. He forbad Maſters to take Advantage of the Power they had over their Servants, but that they ſhould treat them moderately, and with the utmoſt Diſcretion [2], according to the Principles of the New Religion; for which the Fathers of the Church extoll'd him, amongſt whom was *Lactantius*, who taught, that Servants ought to be treated like Brothers by their Maſters. He introduc'd into the Church new Methods of Enfranchiſing, in order to make the Acquiſition of their Liberty more eaſy [3]. He made a new Syſtem concerning Divorces, Contracts of Marriage, and Matrimony [4]: he ſuppreſſed the Levity of Divorces, and confirm'd, with a more firm Knot, the Sanctity of Contracts and Marriage. He aboliſh'd the Penalty of Celibacy [5], and took off other heavy Yokes which the ancient *Roman* Laws had impos'd upon the Necks of Men [6].

ACCORDING to the Dictates of this new Religion, he was ſevere againſt the Raviſhers of Virgins, and thoſe, who, deſpiſing the Sanctity of Marriage, were delighted in roaming after Luſt [7]. He reſtrain'd Concubinage, againſt which *Lactantius* had already ſo much written and declaim'd [8]. He forbad all manner of Work on the Lord's Day, and, according to the new Rites of the Church, he made other Days holy which were not ſo formerly [9]. By whatſoever Forms or Words the Enfranchiſings ſhould be made in the Churches, he would have thoſe that were manumitted to enjoy full Liberty [10]. He gave Permiſſion to all Perſons, freely to leave by their Teſtaments whatſoever they pleas'd to the Churches [11]: and beſides, that he might take a commendable Care and Protection of the Church and her Canons, he concern'd himſelf in the Controverſies which aroſe among the Fathers, which was more than perhaps ſuited with his Imperial Dignity; by which their Contentions became to be more taken notice of, and added Fuel to their Diſcords and Strifes, which would not have been, had their Diſputes been left entirely to themſelves, who were the moſt proper Perſons for deciding them: Neither would the Church have been ſo ſet on Fire as it was ſoon after, by the Firebrands of the *Arians*, who ſo much abus'd her; but, perhaps, it would have continued in the ſame Purity and Simplicity, in which it had been maintain'd for the firſt three Centuries, and in which Chriſt our Redeemer left it.

HE thought, that the Government and outward Polity of the Church belong'd to him: Therefore he made many Laws concerning the ſame; forbidding thoſe that were rich, and thoſe that were fit for the Adminiſtration of publick Offices, to take Orders, allowing none but Men of ſmall Fortunes and of mean Condition to take them [12]; and, furthermore, he made other Proviſions concerning the Miniſters and Goods of the Churches: Whence it came, that the Emperors, his

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[1] Got. in Prolegom. C. Th. cap. 12.

[2] L. 1. C. Th. de Emendat. Serv.

[3] L. ult. C. Th. de his, qui a non domino.

[4] L. 2. C. Th. de Sponſalib.

[5] L. un. C. Th. de Infir. Pœn. Cœlib.

[6] L. 3. ad S. C. Claudian. L. un. de Commiſſ. Reſcin.

[7] L. 1. C. Th. de Rapt. Virg.

[8] Nazar. in Paneg. Porphyr. Carm. 6.

[9] L. 1. C. Th. de Feriis.

[10] L. un. C. Th. de Manum. in Eccleſ.

[11] L. 4. C. Th. de Epiſc.

[12] L. 3. C. de Epiſc. & Cler.

Succeſſors in the Empire, and of the ſame Religion, following his Footſteps, added divers other Conſtitutions concerning the outward Polity of the Church, and the Perſons of Biſhops and Clerks, and the Adminiſtration and Government of their Goods. And however *Sozomenus* [1] hath written of *Valentinian* I. that he meddled little in theſe Matters, impoſing nothing upon the Prieſts, neither changing what was either Good or Bad in Church Affairs, nevertheleſs we read in the *Theodoſian* Code, ſome of his Conſtitutions relating to the Polity, and particularly to the Election of Clerks, and other Miniſters of the Church. But all his Succeſſors have ſince added very many Conſtitutions, ſuch as *Valentinian* II. *Theodoſius*, *Gratianus*, *Arcadius*, *Honorius*, and the reſt; ſo that in the Reign of *Theodoſius the Younger*, an entire Book of theſe Laws was compoſ'd, which is the laſt of his Code: Wherefore we ſee the *Roman* Juriſprudence, in that Part which relates to the Divine and Pontifical Law, quite different from that of the firſt, and altogether new. Which Inſtitution being continu'd afterwards by the other Emperors, and particularly by our *Juſtinian*, it came at laſt to the Emperors of the Eaſt, who abuſing their Power, in the laſt Ages of the Empire, reduc'd the Matter to ſuch a State, that Religion was entirely ſubjected to the Will of the Prince; for which Reaſon it was wiſely adverted to by worthy Men [2], That it was a great Miſtake in thoſe, who, to ſet juſt Bounds betwixt the Prieſthood and the Empire, and the Power of the one and the other, were guided by the new Conſtitutions of theſe laſt Emperors, as by a ſure Rule; but we ſhall have Occaſion to handle that Matter largely, when we come to treat of the Eccleſiaſtical Polity.

THIS Zeal then for our Religion, which was directly oppoſite to that ancient one of the *Gentiles*, being imprinted in the Heart of a Prince, whom both the Empires obey'd, was able to change the Cuſtoms, Laws, and Inſtitutions of Men. This not only made him think of Building new Temples, and throwing down the old, but alſo of changing and aboliſhing whatever of their Laws ſeem'd to him either too ſuperſtitious, or exceeding ſubtile: of which, his many Conſtitutions publiſh'd for that purpoſe, and which we read in the *Theodoſian* Code [3], are clear Teſtimonies. And *Conſtantius* his Son, who ſucceeded him in the Empire, follow'd his Footſteps, and in many Things departed from the ancient Inſtitutions, and eſpecially in religious Matters, as is manifeſt by his many Conſtitutions which we read in the ſame Code [4].

WHENCE it was, that the Character *Conſtantine* left behind him, was ſo different among the Chriſtians, from what it was among the *Gentiles*. The Chriſtians extoll'd him for thoſe Facts; from which *Nazarius* [5] took occaſion to ſound his Praiſe, in the Panegyrical Oration which he made in the Year 321. thus: *Novæ leges, regendis moribus, & frangendis vitiis Conſtitutæ, veterum calumnioſæ ambages reciſæ, captandæ Simplicitatis laqueos perdiderunt.* *Iſidore* [6] in his Book *de Originibus*, ſays likewiſe, that the *new Laws* were begun by *Conſtantine*: And *Proſper Aquitanicus* [7] calls the Authors of ſuch Laws, lawful Princes, becauſe they were publiſh'd by Chriſtian Princes.

BUT the *Gentiles*, who very unwillingly ſuffered theſe Changes, reproach'd bitterly both him and his Son *Conſtantius*. Wherefore *Gregorius* and *Hermogenianus*, both Heathen Civilians, who flouriſh'd under *Conſtantine* and his Sons, fearing, leſt by theſe new Conſtitutions of the Chriſtian Princes, the Heathen Juriſprudence ſhould be loſt, applied themſelves to the Compiling of their Codes, in which they united together the Laws of the Heathen Emperors, beginning from *Adrian* down to *Diocleſian*, in order, as much as poſſible, to preſerve the Ancient. From whence it came to paſs, that *Julian* the Nephew of *Conſtantine the Great*, having aſſum'd the Empire, and publickly renounc'd the Chriſtian Religion, and embrac'd the Heathen, apply'd all his Might (although he did not make uſe of the Weapons of Cruelty as the Heathen Emperors his Predeceſſors had done) to reſtore the Worſhip of the ancient Religion, and the old Laws, and to overthrow Chriſtianity; for which End he was altogether bent on aboliſhing whatever *Conſtantine* had done, calling him, as *Ammianus Marcellinus* reports [1], *Novator*, and Diſturber of the ancient Laws and Cuſtoms: *Julianum, memoriam Conſtantini ut Novatoris, turbatoriſque Priſcarum legum, & moris Antiquitus recepti, Vexaſſe*: therefore we read many of his Laws to this Day in the *Theodoſian* Code; by which it is clear, that he had his Mind bent on nothing elſe but the aboliſhing *Conſtantine*'s Laws, and reſtoring the Ancient. For thus he writes, *Amputata Conſtitutione Conſtantini patrui mei, &c. Antiquum jus, cum omni firmitate Servetur* [1], and elſewhere [2]: *Patrui mei Conſtantini Conſtitutionem jubemus aboleri, &c. Vetus igitur jus revocamus.* And this Prince having added many Conſtitutions to the Civil Law according to the ancient Diſcipline; and above all, having provided for the Diſpatch of Law-Suits, and likewiſe in a great meaſure taken off the Taxes which his Predeceſſors had laid on, and given clear Proofs of his Vigilancy, his military Valour, and many other Virtues, did not only acquire the Character of a wiſe and prudent Prince among the *Gentiles*, as *Libanius* [3] for that ſame, extols and magnifies him in a Funeral Oration which he made on him; but likewiſe theſe Encomiums are reported by *Zonora*, and, which will ſeem more ſtrange, by Writers alſo of theſe our latter Times; among whom *Michael de Montaigne* is the Chief [4], who beſides his defending his Apoſtacy and his other Miſdeeds, which are commonly imputed to him, loads him with exceſſive Praiſes, and extols him to the Heavens.

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[1] Sozomen. lib 6. cap. 7 & 21.

[2] Tomaſin. Diſſert. in Conc. Præf. 1. num. 5. Joa. Fileſac. Tract. de Sacr. Epiſ. Auth. cap. 7. §. 7. & tract. de Idolatr. Politic. cap. 9.

[3] L. un. C. Th. de Domin. Rei, quæ poſcit. L. 3. C. Th. de contr. Empt. Toto tit. C. Th. ad S. C. Caudian. & de Longa Conſuetud.

[4] L. 10. C. Th. de Operib. Publ. L. 5. C. Th. de Sepulchr. Viol.

[5] Nazar. in Orat. Paneg.

[6] Iſidor. lib. Origin. 5. cap. 1.

[7] Proſper. Aquit. lib. prior. Chronic.

BUT the Reign of this Prince having laſted only two Years, for he was kill'd by the *Parthians*, in the 31ſt Year of his Age, and ſucceeded in the Weſt by *Valentinian the Elder*, and by *Valens* his Brother in the Eaſt, Princes who had the Chriſtian Religion as much at Heart, as *Conſtantine* ever had; therefore all that *Julian* had done againſt it, became of no Force, ſince it was likewiſe maintain'd by the Princes their Succeſſors, altho' it was abuſed and corrupted by the Peſtiferous Hereſy of *Arrius*, which having ſeiz'd on the Heads of the Empire, ſpread itſelf over all the Chriſtian World, and likewiſe got footing in barbarous Nations; and theſe Princes having trod in the ſame Footſteps with *Conſtantine*, and added their own to his Laws, gave that Aſpect and Frame to the Juriſprudence which we now ſee in the *Theodoſian* Code.

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[1] Amm. Marcel. lib. 16. cap. 21. pag. 205.
[2] L. unic. C. Th. de Dominio rei quæ.
[3] L. 3. C. Th. de contr. empt.
[4] Liban. orat. 10. p. 297. in fun. Julian.
[5] Mich. de Montaigne in his Eſſays, l. 2. c. 18.

CHAP. VI.

Of the Civilians, *and their Books, and of the Academy of* ROME.

ALTHO' the *Roman* Juriſprudence, by the new Diviſion of the Empire, by the new Diſpoſition of the Officers, and by the new Polity and Religion introduc'd into it, had a quite different Aſpect, and new Forms: Nevertheleſs it is not to be doubted, but that the Cauſe of its Change and Decay was owing in a great meaſure to the Loſs of the ancient Diſcipline, and the want of good Education in the Youth: No ſooner was the Diſcipline and Education loſt, than the Youth were ſeen wallowing in Luxury, feaſting and living delicately, gaming and whoring, exactly as *Ammianus Marcellinus* [1] laments that Age; therefore it was not to be expected that it could produce thoſe uncorrupted and grave Magiſtrates, thoſe wiſe and prudent Civilians, the *Africani*, the *Marcelli*, the *Papiniani*, the *Pauli*, and many others ſo excellent and renown'd, as flouriſh'd in the preceding Age. The Buſineſs of the Civilians, who in the Reigns of *Conſtantine* and his Sons, ſucceeded to theſe bright Men (amongſt whom there was a certain *Innocentius* ſo much celebrated by *Eunapius* and one *Anatolius*, and ſome others of obſcure Names) was nothing elſe but teaching and explaining in the Academies, what theſe ſhining Ornaments had written, and in Collecting, Commenting upon, and rendering their Books in a better Reading. The Uſe of Interpreting and Expounding being laid aſide, and the Employment of the Civilians reduc'd to two Things only, to wit, teaching in the Acadamies, and haranguing in the Courts for their Clients, which by degrees they did for Money, contrary to the ancient Law *Cincia*, the Employment in thoſe Times became ſo contemptible, that at laſt it was the Buſineſs of the emancipated Slaves. Wherefore *Mamertinus* [2] uſed to lament the loſt Dignity of the Juriſprudence, even before *Julian*, and to grieve bitterly, by ſaying, *Juriſcivilis Scientia, quæ Manlios, Scævolas Servios in ampliſſimum gradum dignitatis extulerat, libertorum artificium dicebatur.* We read in *Photius* [3], that *Aſterius* Biſhop of *Amaſca*, who liv'd about the Year 400. related, that he had been a Diſciple of a certain *Scita*, a Servant bought from a Citizen of *Antioch*, who publickly profeſs'd the Juriſprudence; whereas the Practice of Orators, or thoſe who had the Charge of Law-Suits, who were the Pleading Advocates, was ſo honourable among the ancient *Romans*, that the *Roman* Senators, and other great Men put their Sons to it: It was the firſt Step in the popular State to raiſe them to great Employments; becauſe by pleading Gratis, as they did, they obliged a great many People, and conſequently gain'd a number of Clients, by which means they acquir'd great Reſpect and Authority among the People, which was the ſure way to get in to great Offices. Beſides that thoſe who were good at making Speeches had a great Advantage in the Aſſemblies of the People, who are willingly led by the Ears; whence it is that in popular States, the Advocates are thoſe who generally have the greateſt Power and Authority: But under the Emperors the Authority of the Advocates was much diminiſh'd, as the Author of the Dialogue *de Oratoribus*, which is attributed to *Tacitus*, ſays. For which Cauſe the Popular Favour was of no uſe in attaining great Employments; for ſince they could not be rewarded but by Money, it was then they became ſo Mercenary; but the Emperors being unwilling to debaſe them altogether, put them on a Level with the Military, allowing them all thoſe fine Privileges which the Soldiery enjoy'd, and others beſides, eſpecially, that after they had follow'd their Employment for twenty Years, they became Counts [4]. If ſuch debaſing had only reach'd the Lawyers, it would have been more tolerable, but it likewiſe penetrated into the Academies and the Tribunals.

THE Academy of *Rome* by Ignorance, the Baſeneſs of the Profeſſors, and the Riotouſneſs of the Scholars, was reduc'd to ſuch a lamentable Condition, that *Valentinian the Elder*, to hinder it from being quite extinguiſh'd, was oblig'd in the Year 370. while he was at *Triers*, to publiſh a very long Conſtitution, which he directed to *Olibrius* Prefect of the City of *Rome*, in which he eſtabliſh'd XI. Academical Laws, and remedied a great many Abuſes which had crept into it.

FIRST of all, he oblig'd the Scholars who came from the different Provinces of the Empire to ſtudy at *Rome*, to bring with them Certificates from the *Rectores*, or the *Conſulares*, *Correctores*, or *Præſides* of the Province from whence they came; in which Certificates they were to declare their Country, their Birth and their Merit, the Quality of their Foreſathers, and their Pedigree.

SECONDLY, he order'd, That as ſoon as they arriv'd in *Rome* they ſhould preſent theſe Certificates to the Cenſors.

THIRDLY, That theſe Officers ſhould immediately inquire of the Scholars what Profeſſions they were to apply themſelves to, whether to the *Roman* or *Grecian* Eloquence; or if they would follow more profound Studies, ſuch as Philoſophy or the Juriſprudence.

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[1] Ammian. Marcel. lib. 3.

[2] Mamertin. in grat. act. pro Conſulatu.

[3] Phot. homil. 7. in Servum Centurionis, quem dominus Sonavit.

[4] L. 1. C. de Advocat. diver. Judic.

FOURTHLY, That the ſaid Officers ſhould take Care to provide Lodgings for the Students remote from Places of evil Fame.

FIFTHLY, That they ſhould take Notice of their Conduct, and prevent their keeping bad Company, which is very dangerous for Youth.

SIXTHLY, *Valentinian* inhibited the Scholars from too often frequenting publick Shews, by which he put a Stop to that Abuſe, which *Ammianus Marcellinus* complain'd of being introduc'd by the Youth, who ſpent their Time in continual Luxury, Amours, and publick Shews, which corrupted their Manners, and made them neglect their Studies.

SEVENTHLY, He likewiſe forbid their unſeaſonable and frequent Feaſtings, at which they uſed to ſpend a great Part of the Day and Night in gormandizing and luxurious Diſcourſes.

EIGHTHLY, That thoſe Students, who contrary to theſe Laws led a licentious Life, and carry'd themſelves unworthily, ſhould be ſeverely puniſh'd, by being publickly beaten, and afterwards chaced out of the City, and ſent to their Countries.

NINTHLY, He fix'd a Time for their Studies, making the twentieth Year of their Age the Term of them, which in the Reign of *Diocleſian* was the Twenty-fifth; and that they were to employ five Years in more ſerious Studies: Such as the Juriſprudence in particular, which likewiſe our *Juſtinian* appointed.

TENTHLY, He ordain'd, That the Names of the Students ſhould be written in a Book every Month, what they were, and from whence they came, that it might be known how long they had been in *Rome*, as alſo what Time they had ſtudied, which we now call *Matriculation* or Enrolling.

ELEVENTHLY, He ordered, That the ſaid College Book ſhould be ſent to him every Year, that he might know what Students were enroll'd in it; to the End, that according to the Merit and Qualifications of every one, he might reward them, and make Uſe of them in the Government of the Commonwealth.

SO much had that provident Prince at Heart the Education of Youth, and the Reformation of that Academy, that having reſtor'd it by theſe Laws, in the ſucceeding Years he order'd a great Number of Youth both from *Africa* and *France*, and other Weſtern Provinces, to come to *Rome* to learn good Literature, and the Civil Laws of that City, which on that account was call'd the Dwelling-Houſe of the Laws.

THUS was the Ruin of the Juriſprudence in the Academy repair'd by *Valentinian* in the beſt manner he could; but the Havock made in the Courts and Tribunals by the Judges and Advocates was moſt lamentable. The Inſufficiency of the Magiſtrates, and their rapacious Greedineſs and Ambition; the Ignorance likewiſe of the Advocates, and, moſt of all, their Knavery and Tricks, had put all the Conſtitutions of the Princes, and the Books of the Civilians in the utmoſt Confuſion.

WHEN there was any Imperial Conſtitution cited for deciding any Law-Plea, the only Recourſe was to the *Gregorian* and *Hermogenian* Codes, on which they ſolely depended; for the reſt there was nothing but Diſorder and Confuſion. Becauſe *Conſtantine* and his Succeſſors had publiſh'd many Conſtitutions of various Kinds, belonging to different Provinces of the two Empires, and very often contrary to one another, directed as Neceſſity requir'd, to various Magiſtrates; of which there was no diſtinct Knowledge, and many of them had been bury'd, until they were collected into one certain Volume by *Theodoſius the Younger*, who likewiſe divided them; whence every-body cited that Conſtitution which ſeem'd to them moſt favourable for the gaining their Cauſe [1].

NO leſs was the Confuſion and Diſorder of the Books of the ſo famons and renown'd Civilians. The Knowledge of them was very confuſ'd and uncertain: Such Sentences as by the Pleadings in the Courts had acquir'd the Force of a Law, and which the Judges were oblig'd to follow, had eſcap'd their Memories, they cited indifferently, and often recited oppoſite *Reſponſa*; the Contrariety of which was then ſo great, that *Juſtinian* with all his Might could not get rid of it in his Collection. To this Confuſion, we may add another conſiderable Diſadvantage, which was, that theſe Codes which were then made uſe of, (Printing not having been found out as yet in *Europe*) by the Careleſneſs of the Bookſellers and Antiquaries, were very Incorrect, and full of Errors.

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[1] Am. Marcel. lib. 30. page 451.

FOR remedying ſo many Diſadvantages, which for a long Time had reduc'd the Juriſprudence to that lamentable Condition, *Valentinian* III. appear'd in the Weſt, and *Theodoſius the Younger* in the Eaſt. It was theſe Princes, who aiming at the ſame End, united in their Labours and Endeavours, each of them undertaking to cure for his own Part ſuch grievous Miſchiefs: *Valentinian* employ'd all his Thoughts in remedying the Diſorders which had enſu'd from the doubtful Authority of the Conſtitutions of the Princes, and the Variety of the Books of the Civilians; *Theodoſius* employ'd his on a more noble Undertaking, in ſetting about the framing of a new Code, and the re-eſtabliſhing of the Academy of *Conſtantinople*.

VALENTINIAN therefore in the Year 426. while he was in *Ravenna*, whither he had transferr'd the Seat of the Empire, ſent to the Senate of *Rome* a long and prolix Oration; in which, among many other Things, he particularly recommended the rectifying of theſe Diſorders: Part of which Oration we read in the *Theodoſian* Code, under the Title *de Reſponſis Prudentum*, and a Part of it in the *Juſtinian* [1], altho' it is not to be ſeen there now, under the Title *de Legibus*. In that Part which was in the *Juſtinian* Code there was a Rule laid down, how to know what Imperial Conſtitutions and Reſcripts ſhould be read in Judgment, and quoted in deciding of Law-Suits, and which of them ought to have Force and Vigour with the Judges: What Laws ought equally to be obſerv'd by all, as general ones, excepting thoſe Reſcripts which were iſſu'd at the Requeſt of private Perſons on particular Occaſions: That all the Reſcripts of Princes, which were produc'd in Judgment, were not to have the Force of Laws; nor thoſe, which, contrary to the Intent of the Law, had been extorted by the Pleaders; nor thoſe others in which Subreption and Obreption were contain'd, all which he order'd the Judges to reject [2].

IN the other Part of his Oration which was approved of by *Theodoſius*, and inſerted in his Code, he takes particular Care of the Books of the ancient Civilians, which in that Age, wanting all Method and Order, occaſion'd great Confuſion

FIRST of all he would have intire Credit given to the Writings of theſe five Civilians, to wit, *Papinianus*, *Paulus*, *Cajus*, *Ulpianus*, and *Modeſtinus*; and that they were to be quoted and read in Judgment, and to have Force and Authority with the Judges in deciding of Cauſes. II. That the Opinions and Treatiſes of *Scævola*, *Sabinus*, *Julianus*, *Marcellus*, and of the other Civilians, who had been inſerted or extoll'd in the Works of theſe Five, ſhould have the ſame Force. The Writings of theſe ancient Civilians were ſtill in being in the Eaſt, and alſo in the Kingdom of *Thoulouſe*: In latter Times they were diſpers'd amongſt the *Goths*, as the Interpreter teſtifies in that Conſtitution of *Valentinian*. They were preſerv'd in the Eaſt to the Reign of *Juſtinian*, who made uſe of them in the Compoſing his Pandects. III. He gave Caution and a Rule after what manner the Judges were ſecurely to make Uſe of the Writings of theſe Civilians in deciding of Cauſes, and how the Barriſters were to cite them, that is to ſay, that thoſe which had not been mended, and were incorrect, would be found corrected in the Codes; for which Corrections, not only of the Books of the Juriſprudence, but of all other Profeſſions, it was the Cuſtom of that Age, to chooſe the moſt learned Men, and the moſt exact Grammarians of the Times; whoſe Care and Study was nothing elſe, but to reduce to a perfect Reading, by comparing with the exacteſt and moſt correct Texts, the Writings which were in the Hands of the Profeſſors. As in like manner for correcting the Copies of *Livy*, and more eſpecially the Holy Scriptures, where Errors were moſt pernicious, the moſt knowing Men were employ'd. As *Suidas* witneſſeth of *Lucian*; and *Irenæus* conjures his Bookſeller, *per Dominum noſtrum Jeſum Chriſtum, & glorioſum ejus adventum, quo judicaturus eſt vivos & mortuos, ut conferat poſtquam tranſcripſerit, & emendet ad exemplar unde deſcripſit. Aponius, Hieronymus*, and *Auguſtine* had the ſame Anxiety who did not mind rich and coſtly Books, but all their Care was to have them exact and correct [3]. So that in thoſe Days, they were moſt careful of that Work, as reckoning it of the greateſt Importance; ſince the Deciſion of many Controverſies in the Church, and an infinite Number of Cauſes in the Courts, depended upon it.

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[1] L. 2 & 3, C. de Legibus.

[2] L. 7. C. de Præcib. Imp. Offerend. L. pen. C. ſi contra jus.

[3] Euſeb. hiſt. Eccl. l. 5. Hieron. init. Chron.

BESIDES *Valentinian* determin'd, as we have already ſaid, that when different and oppoſite Opinions, to thoſe of theſe ancient and famous Civilians, were quoted in the Courts, the greateſt Number of the Authors was to carry it; that is to ſay, their Opinions were to be number'd, and not weigh'd, by which the Judges were to be determin'd, from which *Juſtinian* differ'd afterwards; but if it happen'd that the Number on both Sides was equal, he ordain'd, that the Side on which *Papinian* was, ſhould prevail: Which Pre-eminence in *Papinian* ought not to ſeem ſtrange, he being reputed in all Ages the moſt renowned of all others; ſince in the Time of our Grandfathers, 'tis ſaid, that the ſame Prerogative was granted by Royal Decree in *Spain* and *Portugal* to *Bartolus*, if we may truſt *Jo. Baptiſta de Gazalupis*, who reports it [1]. That of St. *Jo. Chryſoſtom* in his Interpretation of the Holy Scriptures, was greater, ſince by an ancient Cuſtom introduc'd into the Eaſtern Church, his Interpretation was to be preferr'd to that of all the other Fathers of the Church, how different ſoever they ſhould be: And in the Weſt his Interpretations were likewiſe of great Weight, of which *Hieronymus* and *Auguſtine* are famous Witneſſes. Moreover *Valentinian* ordain'd, That in caſe, both as to Authority and Number, the Opinions quoted ſhould be equal, then all was to be referr'd to the prudent Award of the Judge, who was to weigh the Opinions in a juſt Ballance by himſelf, and to ſtick to that which he ſhould think moſt juſt and conform to Equity.

LASTLY, he refuted the Notes made by *Paulus* and *Ulpianus* on the Works of *Papinian* their Maſter, and they were to be of no Authority in the Courts: And in this likewiſe *Juſtinian* afterwards differ'd, who did not altogether refute them, but intermix'd many of them, and particularly thoſe of *Paulus*, in his Digeſts: Nevertheleſs *Valentinian* ordain'd that the Opinions of *Paulus* ſhould always be regarded, and be of Authority and Force. And it was this Conſtitution of *Valentinian*, and ſuch others as were publiſh'd at that Time, that *Juſtinian* meant, when he ſaid, that it had been ordain'd, that the Opinions of the Civilians ſhould have ſuch Authority, as that it ſhould not be lawful for the Judges to depart from them, as we have already obſerv'd in the Firſt Book of this Hiſtory.

SO provident was *Valentinian* III. that theſe continual Diſorders and Confuſions might be remov'd from the Courts of Juſtice, which the little Knowledge of the Conſtitutions of the Princes, and the Books of the Civilians, had occaſion'd in them; whence the Juriſprudence in the Weſt was reſtor'd, as much as was poſſible, to ſome Dignity and Renown.

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[1] Jo. Batt. de Gazalup. de S. Severino in tract. de Modo Stud. in utroque jure, qui ſubjectus eſt Vocabulario Juris, pag. 254.

SECT. I.

Of the ACADEMY *of* CONSTANTINOPLE.

BUT greater were the Endeavours of *Theodoſius the Younger*, for reſtoring the Juriſprudence in the Eaſt: He began to repair it in the Academies twelve Years before he compiled his new Code. *Conſtantine the Great*, from the Year 332, in order to provide the City of *Conſtantinople* with whatſoever was rare and excellent, and to make it rival *Rome* in every Thing, had apply'd himſelf with Might and Main, to invite to it many Profeſſors of Literature. *Conſtantius*, his Son, about the Year 354, adorn'd it with a famous Library, for which *Themiſtius* runs ſo far out in his Praiſe. *Valens*, in the Year 372, increas'd it greatly, ſo that for keeping of it he had ſeven Antiquaries, four *Grecian* and three *Latin*, who were to take Care to ſet the Books in order, and repair thoſe that had been worn with Age, and he appointed other Servants beſides for looking after it. Nevertheleſs, till the Reign of *Theodoſius the Younger*, none thought of eſtabliſhing an Academy in that City, that could be compared to that of *Rome*. It was *Theodoſius* then, who, in the Year 425, firſt ſettled an Academy there; and he appointed the Place for it, to be the Capitol in the eighth Region, at a Diſtance from the Sea, an inland Place, adorn'd with many Portico's built on Purpoſe, for which it was call'd *Capitolii Auditorium*. And that it might abound in Profeſſors and Scholars, and maintain the ſame Dignity and Grandeur which he intended to endow it with, he order'd the Profeſſors not to teach in their Cells, but in the *Auditorium*, as was formerly practis'd in *Rome*. He appointed many Profeſſors for this Academy, according to the Sciences that were to be learn'd; and they all amounted to the Number of Thirty One. For the *Roman* Eloquence, three Orators and ten Grammarians: For the *Grecian* Eloquence, five *Sophiſtæ* and alſo ten Grammarians; ſo that there were Twenty Eight partly Grammarians and partly Orators and *Sophiſtæ*, for inſtructing the Youth in theſe Sciences. Beſides he eſtabliſh'd three, for thoſe who would imploy themſelves in more profound Studies, one for Philoſophy, and two for the Juriſprudence, who were to teach the Civil Law[1]. In the Reign of the ſame *Theodoſius*, *Leontius*, a famous Civilian, explain'd the Laws there, who was the firſt among the Lawyers who had the Honour and Rank of Count *Palatine*; there were not wanting afterwards, other noted Profeſſors who made it famous and renown'd. In the Time of *Juſtinian*, *Theophilus* and *Cratinus* profeſs'd the Juriſprudence there, who, being call'd by him, aſſiſted him in the Framing the Digeſts[2]. Neither was the Concourſe of Youth leſs in this Academy for learning the Civil Law, than in that of *Rome* in the Weſt, or *Berytis* in the Eaſt. And it was even greater, when *Juſtinian* forbad the Explaining of the Laws to all other Academies, ſuch as that of *Alexandria* and *Cæſarea*, allowing it to none other, except, in the Eaſt, to thoſe of *Berytis* and *Conſtantinople*, and in the Weſt to that of *Rome*.

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[1] L. un. C. Th. de Profeſſ. qui in Urbe Conſtant.

[2] L. 2. §. quæ omnia, C. de Vet. Jur. Enucl. & in Proœmio.

CHAP. VII

Of the Conſtitutions of the Princes, out of which the Theodoſian *Code was Formed.*

IT did not ſatisfy *Theodoſius* his having reſtor'd the decaying Juriſprudence in ſuch a manner, and having ſet it to rights again, after ſuch a Method in the Academies; There were beſides very few, as *Theodoſius* himſelf ſays[1], *Qui Juris civilis Scientia ditarentur, & ſoliditatem veræ Doctrinæ receperint*. The immenſe Quantity of Books[2], and the great Bulk of ſo many Imperial Conſtitutions, diſagreeing among themſelves, kept them likewiſe in profound Obſcurity and Darkneſs. *Theodoſius* at laſt was wholly intent on removing thoſe Obſcurities; for which end, he ſet about the Compoſing of a new Code, rejecting the ſo many time-ſerving Conſtitutions of the Princes, iſſu'd out according to the Occaſion of the Times, the ſo many uſeleſs ones claſhing one with another; he collected into one Volume thoſe only, which he believ'd were ſufficient for whatever could occur in the Tribunals for the deciding of Cauſes.

IN the Year 438, as the moſt prudent *Gotifredus* ſufficiently proves, and not in the Year 435, as *Cironius* ſuppos'd, and others believ'd, being deceiv'd by the erroneous Subſcription of the *Novella* of *Theodoſius* [1], this Code was compil'd and publiſh'd by this Prince: For the framing of which he choſe eight notable and noble Civilians, and, as he declares, of known Fidelity and famous for Learning, and ſuch, in fine, as were able to vie with the Ancients. The firſt who had the greateſt Hand in it, was *Antiochus*, formerly *Præfectus* P. and *Exconſul*, of whom we often find honourable mention in *Marcellinus*, *Suidas*, and *Theodoretus*. There was *Maximinus*, *Vir illuſtris*, as *Theodoſius* himſelf calls him [2], *Exqueſtor noſtri palatii, eminens omni genere Literarum.* There was *Martirius*, *Vir Illuſtris*, *Comes*, & *Quæſtor noſtræ Clementiæ fide interpres.* There were *Sperantius*, *Apollodorus*, and *Theodorus*, *Viri Spectabiles*, *Comites Sacri Noſtri Conſiſtorii.* There was *Ephigenius*, *Vir Spectabilis*, *Comes*, & *Magiſter memoriæ*; and laſtly *Procopius*, *Vir Spectabilis*, *Comes ex Magiſtro Libellorum*, *jure omnibus veteribus comparandi*: All of them adorn'd with the higheſt Dignities, and moſt expert in the Law Learning.

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[1] Novel. 1. Theod.

[2] Eunap. in Vita Ædiſii, pag. 72.

Their Employment in this Work was to collect the Conſtitutions of many Princes which were hidden and buried in Obſcurity, and to unite them into one Body; and being collected, to correct and purge them of their Droſs and Errors: and, laſtly, with the greateſt Brevity, to abridge them.

Without all doubt, the Number of the Conſtitutions of Chriſtian Princes, which from *Conſtantine the Great* down to theſe Times, had been diffus'd and ſpread abroad through both the Empires, was very great; whence it was, that theſe Compilers, even after they had curtail'd them, could not collect and join them together in leſs than Sixteen Books. Foraſmuch as if we conſider the Number of Years, there are no leſs than One Hundred and Twenty Six, from the Reign of *Conſtantine* in 312, to the Year 438. If we conſider the Number of Emperors whoſe Conſtitutions are collected in this Code, their Number is no leſs than Sixteen; to wit, *Conſtantine the Great*, his three Sons *Conſtantine*, *Conſtantius*, and *Conſtans*; *Julian*, *Jovian*, *Valentinian*, *Valens*, *Gratian*, *Valentinian the Younger*, *Theodoſius the Great*, *Arcadius*, *Honorius*, *Theodoſius the Younger*, *Conſtantius*, and *Valentinian* III. If we conſider the various Sorts of Conſtitutions, we find there not only the Edicts, but likewiſe the various Reſcripts, the many Epiſtles directed to Magiſtrates, the Orations to the Senate, the Pragmaticks, the Acts and Decrees made in the Princes Councils, and laſtly the many Mandates directed to the *Rectores* of Provinces, and other Officers.

CERTAINLY there was no Part either of Publick or Private Right but what was transferred into this Code, as is manifeſt from the Argument of its Books, and the Number of the Titles. Of the Conſtitutions of the Princes concerning private Right, ſuch as Contracts, Teſtaments, Stipulations, Pactions, Heritage, and all other Things belonging thereto, five Books were compos'd. As for what concern'd publick Right, nothing is wanting; here are ſet down the Functions of all Magiſtrates, the *Notitia* of Dignities, and a Rule for Military Affairs: The Employments of the Officers are appointed; Criminal Accuſations are ſettled; the Laws of the Exchequer are declar'd; the *Annona* and Tributes are put in Order; Care is taken of the Common Good of the Cities, Profeſſors, Publick Shews, Publick Works, Ornaments, and, in a word, nothing is omitted that could in the leaſt contribute to the Publick Peace and Tranquillity. Neither were the Laws concerning the Church neglected, but a whole Book of the various Conſtitutions belonging to it was compos'd, in which divers Eccleſiaſtical Affairs concerning Religion are determin'd; ſo that there is no Part of Private, Publick, or Divine Right, but what is comprehended in this Code.

THE Names of the Princes who pronounc'd them, the Place, the Time, the Perſons to whom they were directed, are carefully ſet down, that the Authors might not be depriv'd of the Honour, and to ſhun all Confuſion and Diſorder.

NEVERTHELESS the Work did not prove ſo exact and compleat, but that there are many Defects and Errors in it; of which the careful *Gotifredus* hath made a long Catalogue [3], which we need not here recount; but we ought not to paſs over in Silence that grievous one, not to be pardon'd in *Theodoſius* a Chriſtian Prince, his having inſerted in it many wicked Laws, quite contrary to his Religion; whoſe Purpoſe was to have collected only the Conſtitutions of the Chriſtian

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[1] Cit. Novella 1.

[2] Ibid.

[3] Gotifr. in Prolegom. cap. 2.

Princes, beginning with thoſe of *Conſtantine the Great*: For which Cauſe *Proſperus Aquitanius* calls this Code, a Book in which the Laws of lawful Princes are collected, calling the Chriſtian Princes only lawful, of whoſe Conſtitutions it was ſolely compoſ'd. Beſides, his Deſign and End in compoſing it was, That it might ſerve in the Courts of Juſtice, and be quoted in daily Converſation, and, according to its Laws, Matters might be determined, in a Time when the Chriſtian Religion was already fix'd in its Throne. How then can he be pardon'd, for having foiſted into it ſo many Conſtitutions of *Julian the Apoſtate*, quite contrary to many of thoſe of the Chriſtian Princes, and more than that, to give him the Title of *Divus*? How could he inſert in it theſe Conſtitutions, which in his Time had been branded with an evident Mark of Impiety and Superſtition, as the *L.* 1. *de Paganis* of *Conſtantine the Great*, in which the publick conſulting the *Aruſpices*, is allow'd; and another of *Valentinian the Elder*, in which, beſides the Uſe of the *Aruſpicina*, the Profeſſion of any Religion is allow'd [1]? Laws altho' tolerable, when by cruel Neceſſity they were pronounc'd by thoſe Princes, yet he ought not to have put them in a Code, which was to be made uſe of in after Ages, and when the Chriſtian Religion had taken ſo deep Root in the Hearts of Men. Who can endure, that the *L.* 4. *&* 6. of *Julian de Sepulchris Violatis*, ſhould be in it, which are full of Superſtition and Heatheniſm? Who can bear the *L. ult.* of *Valentinian the Younger*, plac'd under the Title *de Fide Catholica*, by which he confirms the Conventicle of the *Arminians*; he gave more Vigour and Force to the peſtilent Hereſy of *Arius*, than the Authors themſelves and their greateſt Abettors and Sticklers could have given? Surely that Offence ought to have affected his Mind, by that generous, and at the ſame time holy Refuſal of *Benevolus*, who being firſt Chancellor of the Empreſs *Juſtina*, who was the only Promoter of this Law, would by no means ſign it; and was contented rather to live privately at Home on his Paternal Eſtate, than to remain at Court in high Eſteem, a Complice of ſo unworthy a Deed. In the laſt Place, who can bear his having inſerted the Laws publiſh'd by *Arcadius*, manifeſtly againſt the Catholicks, and againſt *Chryſoſtom* and his *Johanniſti* [2]?

THE Compilers of the *Juſtinian* Code, did not demean themſelves after that manner, who rejected all theſe Conſtitutions, as we ſhall ſhew, when we come to ſpeak of the Compoſing of it, which was in the Sixth Century of Man's Redemption.

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[1] L. 2, 3, & 9. C. Th. de Malefic. & Math.

[2] L. 1, 4, 5, 6. C. Th. de his, qui Sup. Relig.

SECT. I.

Of the Uſe and Authority of this Code in the Weſt, and in theſe our Provinces.

THE *Theodoſian* Code being then compil'd in the Year 438, and publiſh'd by Authority, was quickly receiv'd, as well in the Eaſt as the Weſt. In the Eaſt it immediately had Force, becauſe no ſooner was it publiſh'd by *Theodoſius*, its Author, than he ſet forth his *Novellæ* directed to *Florentius*, *Præfectus P.* of the Eaſt, which bears the Title *de Theodoſiani Codicis Authoritate*, by which he declared, from that Time forth, That it ſhould not be Lawful for any Perſon to make uſe of the Conſtitutions of other Princes in the Courts of Juſtice, but thoſe which were contain'd in this Code; charging them moreover, that by the Means of publick Edicts, they ſhould make known to all the People, and all the Provinces, ſuch his Prohibition, and to inform them of the Publication and the Authority which he gave to that Volume.

IT had the ſame good Luck in the Weſt, altho' *Theodoſius*, who only govern'd in the Eaſt, could not give it the ſame Authority in theſe Weſtern Parts, as he gave it in his own Empire; nevertheleſs, having before communicated his Deſign to *Valentinian* his Collegue, they, by Concert, directed all their Actions to the ſame End; therefore it was no ſooner receiv'd in the Eaſt, than *Valentinian* gave it all Authority and Force in the Weſt. Beſides, this Prince had before ſent to *Theodoſius*, and thoſe who had been choſen for the framing of this Code, a Regiſter of all the Conſtitutions publiſh'd in the Weſt, by the Princes his Predeceſſors, who had reign'd there [1]; and, together with it, a Collection alſo of his own Conſtitutions, which he had publiſh'd through all the Year 425, whilſt he ſometimes reſided in *Aquileja*, ſometimes in *Rome*, and laſtly in *Ravenna*, whither he had remov'd his Seat; and among theſe, likewiſe his famous Oration, which contributed much to the Deſign of *Theodoſius*, by which he had repair'd the Confuſion occaſion'd by ſo many Conſtitutions and Books of the Civilians, which Oration was inſerted in this Code by *Theodoſius*, that is to ſay, that part of it only which treats of the Books of the Civilians, thinking that the other part of it, which treats of the Conſtitutions of Princes, would be ſuperfluous; foraſmuch as he had been more exact and minute in this his own Code on that Subject.

FOR which Reaſon, *Valentinian* gave to this Code, the ſame Sanction in the Weſt, as *Theodoſius* had given it in the Eaſt; altho' he made no ſpecial Conſtitution for that Purpoſe, yet it is not to be doubted: Since that ten Years after, in which Time *Theodoſius* had publiſh'd many others of his *Novellæ*, and which were publiſh'd in another Volume apart, *Valentinian*, by his expreſs *Novella* [2], which is amongſt the *Theodoſian*, confirm'd likewiſe theſe, adding this Reaſon, *Ut ſicut uterque Orbis individuis Ordinationibus regitur, iiſdem quoque legibus temperetur.* Beſides the Reſpect and Obligations which *Valentinian* ow'd to *Theodoſius*, were always too great, having given him the Title of *Auguſtus*, and afterwards became his Son-in-law; whence it was, that *Valentinian* us'd to call him Father, and *Theodoſius* him, Son: Thus, in the ſame *Novella*, making mention of this Code, as already receiv'd in his Empire, with theſe Marks of Eſteem he ſpeaks of him; *Glorioſiſſimus Principum Dominus Theodoſius Clementiæ meæ Pater, Leges a ſe poſt Codicem Numinis ſui Latas, nuper ad nos, ſicut repetitis Conſtitutionibus caverat, proſequente Sacra Præceptione direxit.* Such was the Veneration which *Valentinian* had for this Code, that in his *Novellæ*, which from time to time, down to the Year 452, a little before his Death, he publiſh'd, he often, in Confirmation of his Edicts, and to give them more Authority, made uſe of the Laws that were inſerted in the *Theodoſian* Code: So in the *Novella* [3] 10. of the Year 451, and in the *Novella* 12. *de Epiſcopali Judicio* of the Year 452, and in the other, under the *Tit. de Honoratis, &c.* 45, we ſee, that he made uſe of the Laws of *Honorius*, *Arcadius*, and *Gratianus*, which were inſerted in this Code by *Theodoſius*.

BUT what will ſeem ſtrange, is, that this Code had much much more Succeſs in the Weſt than in the Eaſt; ſince in the Eaſt it laſted only Ninety Years, that is to ſay, to the Time of *Juſtinian*, who making himſelf Author of a new Code, aboliſh'd and cancell'd this; but in the Weſt it had much better Fortune with thoſe Nations, which were call'd *Barbarians*: ſince with the *Oſtrogoths* in *Italy*, the *Weſtrogoths* in the *Galliæ* and *Spain*, and with the *Burgundians*, *French*, and *Longobards*, it was had in ſuch Eſteem and Honour, that conformable to the Laws contain'd in it, they were pleas'd not only to govern the People whom they ſubdued, but likewiſe their own, as in the Progreſs of this Hiſtory in the following Books, we ſhall treat more particularly. And laſtly in our Days, and thoſe of our Grandfathers, for the Expoſition and Clearing up of this Code, it was thought, that it deſerv'd to have the moſt worthy and ſublime Genius's who flouriſh'd in theſe two laſt Ages, to employ their Labours, when it roſe up again from under the long Darkneſs in which it had lain, by the Induſtry of *Jo. Sicardus*, who, in *Doviat*'s Opinion [4], was the firſt who brought it to the Light of the World in *Baſil*, altho' very much mangled and maimed: Afterwards being put into a better Form by *Johannes Tillius* [5] at *Paris* in the Year 1540, (who from being Proto-Notary of the Parliament of *Paris*, and who had a Hand in forming the Proceſs of the famous Caſe of the Prince of *Conde*, was afterwards made Biſhop of *Meaux*) the

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[1] Ritterſhut. in Jure Juſtinian. in Proœm. cap. 3. num. 12. Got. in Prolegom.

[2] Novel. 13.

[3] Nov. 10. de Confirmand. his quæ Admin.

[4] Doviat. Hiſt. Jur. Civ.

[5] Gherard. Van Maſtrich. Hiſt. Juris Pontif. num. 46.

Learning and Care likewiſe of the incomparable *Cujacius* was thought well beſtow'd on ſo great a Work; and laſt of all, the moſt laborious *Jacobus Gotifredus* applied his whole ſelf, and all his Knowledge and Exactneſs, in making Commentaries on it, which can never be ſufficiently prais'd, as being the higheſt Pitch of the moſt ſublime Erudition, who dying ſoon after his long and obſtinate Toil, had not the Pleaſure to ſurvive that incomparable Work, worthy of immortal and eternal Remembrance.

SUCH were the Viciſſitudes of the *Roman* Juriſprudence from the Time of *Conſtantine the Great* to the Reign of *Theodoſius the Younger*, and *Valentinian* III. his Collegue. Theſe were the Laws by which both the Empires were govern'd. Theſe were the Books which were made uſe of, from which the Laws were taken and cited for determining Law-Suits in the Courts of Juſtice, and teaching in the Academies; to wit, the Books of the Civilians *Papinianus*, *Paulus*, *Cajus*, *Ulpianus*, and *Modeſtinus*, which were the chief: The Treatiſes of *Scevola*, *Sabinus*, *Julianus*, *Marcellus*, with thoſe of other famous Civilians taken from the Writings of the above-mention'd Five, had all Authority and Force. The Notes *Paulus* and *Ulpianus* made on the Book of *Papinianus*, were at that time rejected by *Valentinian*, altho' afterwards receiv'd and admitted by *Juſtinian*; but the Senſe of *Paulus* of all the others, was moſt eſteem'd, and of chief Authority and Force.

OF the Conſtitutions of the Princes, the two Codes, the *Gregorian* and the *Hermogenian*, in which were contain'd the Laws of the Heathen Princes from *Adrian* down to *Diocleſian*, were in full Force, altho' they had been compiled for private Study, by theſe two Civilians, without publick Commiſſion: The Conſtitutions of the Princes collected there, were avowedly quoted in the Courts of Juſtice and Conſultations: They were made uſe of, as we have ſhewn in the firſt Book, by St. *Auguſtine* [1], he having cited a Conſtitution of *Antoninus* regiſter'd in the *Gregorian* Code: The Author of the Collation of the *Moſaical* Laws with the *Roman*, made uſe of them, who, according to *Gotifredus*, flouriſh'd towards the End of the Sixth Century, in the Time of *Caſſiodorus*; likewiſe the Author of that ancient Conſultation, which we now read amongſt thoſe of *Cujacius*, made uſe of them: And afterwards alſo *Tribonianus* and *Papinianus*, and other Writers of lower Times, took the Advantage of the Compend of them: And laſtly, the *Theodoſian* Code, with the *Novellæ* newly publiſh'd by that Prince, and *Valentinian* his Collegue, were of more Force and Authority.

THESE then were the Books, in which in that Age was contain'd all the Civil Law of the *Romans*, by which the Tribunals, the Academies, the Profeſſors, the Bariſters, the Magiſtrates, and the Judges, were directed in Judging, Writing, and Teaching. Hitherto theſe Provinces, which now make our Kingdom, had never known any foreign Laws. Only the venerable Name of the *Roman* Laws was underſtood and reverenc'd, and according to the Dictates thereof, they were govern'd and manag'd, until they were a-new infeſted by thoſe ſame Nations, which in thoſe very Times had begun to diſturb them; and altho' they durſt not abuſe the *Roman* Laws, but on the contrary honour'd them, yet nevertheleſs, amongſt ſo many Revolutions of Affairs, they could not remain intire and firm, but were polluted, and ſeem'd to be on the Brink of Ruin, as ſhall be ſhewn in the following Books of this Hiſtory.

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[1] Aug. lib. 2. ad Pollent.

CHAP. VIII.

Of the exterior Eccleſiaſtical Polity, from the Reign of the Emperor Conſtantine the Great, *to that of* Valentinian III.

AFTER *Conſtantine the Great* had embrac'd the Chriſtian Religion, and ſettled the Church at her eaſe, ſhe was ſeen in greater outward Splendor, and in a more ample and noble Hierarchy. The Biſhops, who in thoſe firſt Three Ages, in the midſt of Perſecutions, govern'd the Churches in the Cities of the Empire; now when that Religion might be profeſs'd publickly by every Body, and that they begun to erect Temples and Altars for keeping up the Worſhip of it, were ſeen, according to the Bigneſs of the Cities in which they govern'd the Churches, diſpos'd in various and different Degrees, and plac'd in greater Eminency. Whereupon the Titles of Metropolitans, Primates, Exarchs or Patriarchs, anſwerable to thoſe of the Secular Magiſtrates, and according to the Extent of the Provinces which they govern'd, came in Faſhion.

PETER de Marca Archbiſhop of *Paris* [1], *Chriſtian Lupus* Doctor of *Louvain*, *Emanuel Schelſtrat* a Divine of *Antwerp*, *Leo Allacius*, and others, with a great deal of Flouriſh, endeavour to maintain that the Dignity of Metropolitan, as alſo the Patriarchal, owe their Beginnings to the Apoſtles, and were inſtituted by them. But *Lewis Ellies Du Pin* [2] an eminent Divine of *Paris*, diſproves their Errors at large, by confuting the Arguments taken from the Archbiſhop of *Paris*: He demonſtrates very ſtrongly, and proves very clearly, that ſuch Dignities were neither inſtituted by Chriſt nor his Apoſtles; but in thoſe Times when *Conſtantine* gave Peace to the Church, they began to be inſtituted: According to the Diſpoſition of the Provinces of the Empire, and the State of the Metropolitan Cities of each of them, this new Polity, and this new Hierarchy was introduc'd into the Church.

THE manner after which it was done, was ſo natural and peculiar, that it would have been ſtrange if it had been done otherwiſe. We have already obſerved from the Deſcription of the Provinces of the Empire made under *Conſtantine*, that the Dioceſes being made up of ſeveral Provinces, had ſome chief City or Metropolis, on which the reſt of the ſame Province depended; to which, for Civil Matters and other Affairs, as is uſual, all the People of the Province reſorted. The Church being founded in the Empire, as *Optatus Milevitanus* ſays, and not the Empire in the Church, ſo ſoon therefore as ſhe was in Peace, ſhe took the ſame Polity in Eccleſiaſtical Matters; ſhe adapted herſelf to the ſame Diſpoſition of the Provinces, and to the ſame Conditions of the Cities which ſhe found: So when any Biſhop was to be Ordain'd or Depos'd, or any Diviſion or Diſorder happen'd in the Church; when any Buſineſs was to be adviſed which concern'd the other Churches of the Province, the Apoſtles not being at Hand, to whom formerly they had recourſe in ſuch Caſes, there was a Neceſſity of having recourſe to the Biſhop of the Metropolis, or chief City of the Province. Thus by Cuſtom and piece-meal did this Polity begin to be introduc'd; whence the Diſpoſition of the Churches was made after the Model of the Empire, and the Metropolitan Cities of the Empire became the Metropolitans of the Church, and the Biſhops who preſided in them, acquir'd a Power over the whole Provinces, as well of Ordaining or Depoſing of the Biſhops of the leſſer Cities, and of making up of their Diſſentions, as of calling of Synods, and over their other neceſſary Affairs; but this Power was not abſolute, ſince without the Advice of the Biſhops of the ſame Province they could do nothing: This Cuſtom was confirm'd in the Fourth, and likewiſe in the following Centuries, by many Canons which were made in ſome Councils; whence all the Church was diſpoſed and divided after the Model of the Civil Polity.

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[1] Marca. lib. 6. de Conc. cap. 1. Lup. can. 4. Nic. Par. 1. Schelſtrat. Antiq. illuſtr. Par. 1. Diſſer. 1. cap. 3. art. 1. Leo. Allat. de Eccl. Occid. & Orient. conſeſ. lib. 1. cap. 2.

[2] Du Pin. de Antiq. Eccl. Diſcipl. Diſſer. 1. §. 6.

THIS Diviſion and Hierarchy of the Church, conformable to the Polity of the Empire will appear more clear and diſtinct, if we conſider the Diviſion of the Dioceſes and the Provinces, which we have deſcrib'd in this Book under the Empire of *Conſtantine*: There we ſhall ſee the Empire divided into four Parts, to wit, the *Eaſt*, *Illyricum*, the *Galliæ*, and *Italy*, to the Government of which as many Moderators were appointed.

The *EAST*.

THE Eaſt was divided into five Dioceſes, each of which comprehended ſeveral Provinces, the *Eaſt*, *Egypt*, *Aſia*, *Pontus*, and *Thracia*.

THE Dioceſs of the *Eaſt* had for its chief City, Head of all the reſt, *Antioch* in *Syria*; whence it was very fit, that this City in the Eccleſiaſtical Polity ſhould be the Head of all the reſt; and that the Biſhop who govern'd this See, ſhould be advanc'd likewiſe above all the other Biſhops of the Churches of all thoſe Provinces of which that Dioceſs was compoſed. There was yet another Prerogative to be added, which was, that St. *Peter*, the Chief of the Apoſtles, founded the Church in *Antioch*, and there firſt preach'd the Goſpel, altho' he was pleas'd afterwards to remove his Chair to *Rome*.

THE Provinces which made up the Dioceſs of the Eaſt, were at firſt no more than Ten, to wit, *Paleſtine*, *Syria*, *Phœnicia*, *Arabia*, *Cilicia*, *Iſauria*, *Meſopotamia*, *Oſdroena*, *Euphrates*, and *Cyprus*; but afterwards their Number increas'd to Fifteen; becauſe *Paleſtine* was divided into three Provinces, *Syria* into two, *Cilicia* into two, and *Phœnicia* likewiſe into two. Now we ſhall ſee in each of theſe Provinces their Metropolitans according to the Polity of the Empire.

PALESTINE, as it was at firſt divided, own'd no other City for its Metropolis, but *Cæſarea*; whence its Biſhop acquir'd the Rights of Metropolitan over the other Biſhops of the leſſer Cities: And being afterwards divided into more Provinces, it had in the one for Metropolis the City of *Scythopolis*, and in the other that of *Jeruſalem*; but altho' there were three Provinces made out of one, yet by this new Diviſion, and the Addition of two other Metropolitans, it did not derogate from the Rights of Metropolitan of the Biſhop of *Cæſarea*. But the Biſhops of *Scythopolis* and *Jeruſalem* continu'd, as they were formerly, Suffragans to the Metropolitan of *Cæſarea*: And when the great Council was held in *Nice*, altho' there were many Honours and Prerogatives allow'd to the holy City of *Jeruſalem*, yet theſe Fathers would by no means, on that account, leſſen the Prerogatives of the Metropolitan of *Cæſarea*, *Metropoli propriâ dignitate ſervata*, ſays the ſeventh Canon of that Council; and for no other Reaſon, but that the Province of *Paleſtine* being but one, and *Cæſarea* its ancient Metropolis; and that Biſhop being already poſſeſſed of all the Rights of Metropolitan, it was not juſt, that by that new Diviſion he ſhould loſe them, or that they ſhould be diminiſh'd: Neither was it till long after that the Church of *Jeruſalem* was adorn'd with the Patriarchal Dignity, as we ſhall ſee anon.

THE other Province of this Dioceſs was *Syria*, which had *Antioch* for its Metropolis, and likewiſe Head of all the Dioceſs; but afterwards it was divided into two, and beſides *Antioch*, it acknowledg'd the other, which was *Apamea*.

CILICIA was alſo divided into two Provinces; it own'd likewiſe two Metropolis's *Tarſus* and *Anazarbus*.

PHOENICIA, as it was divided into two Provinces acknowledg'd likewiſe two Metropolis's, *Tyrus* and *Damaſcus*. There was alſo in *Phœnicia* the City *Berytis*, famous all the World over, as we have ſhewn in the Firſt Book, on account of the famous Academy erected there. In the Reign of *Theodoſius the Younger*, *Euſtatius* Biſhop of that City, obtain'd a Reſcript from that Prince, by which *Berytis* was advanc'd to be a Metropolis; for which Cauſe *Euſtatius*, in a Council which was then held at *Conſtantinople*, asked, That his City being made a Metropolis, if in conſequence of that, he ought to make a new Diviſion of the Churches of that Province, and if ſome of thoſe, which before belong'd to the Metropolitan of *Tyre*, were to be ſubject to his new Metropolis? *Photius*, who was at that time Biſhop of *Tyre*, diſcovering the Inclinations of *Theodoſius*, out of cruel Neceſſity was oblig'd to approve of the Diviſion. But the Emperor *Theodoſius* being dead, and ſucceeded in the Empire of the Eaſt by *Martianus*, the Biſhop *Photius* complain'd of the Wrong done him to the new Emperor, deſiring, that thoſe Churches which had been taken from his City, their ancient Metropolis, might be reſtor'd to it again. *Martianus* cauſed the Caſe to be re-examin'd in the Council of *Chalcedonia*; and it appear'd to theſe Fathers, that ſuch an Affair ought not to be decided according to the new Diſpoſition of *Theodoſius*, and the new Conſtitutions of Princes, but according to the Tenor of the ancient Canons: And having read in the Aſſembly the Canon of the Council of *Nice*, by which it was ordain'd, That there ſhould be only one Metropolitan in each Province, it was decided in favour of the Biſhop of *Tyre*, and all the Churches of that Province were reſtor'd to his See; ſince according to the ancient Diſpoſition of the Provinces of the Dioceſs of the Eaſt, *Phœnicia* was one Province, and acknowledg'd but one Metropolitan.

THUS when Biſhops intended to incroach upon the Rights of their Metropolitan, they were wont to apply to the Emperors, and to obtain a Diviſion of the Province, that their City might be rais'd to be a Metropolis, in order to their appropriating to themſelves the Rights of Metropolitan over thoſe Churches which were taken from the more ancient. Indeed the Emperor *Valens*, out of Hatred to *Baſil*, divided *Cappadocia* into two Parts, and by ſo doing with the other Provinces, the Diviſion likewiſe of the Church follow'd, as *Nazarius* teſtifies; becauſe that in the ſucceeding Times the Rigour of the Council of *Nice* was not obſerv'd, which, we may ſay, was only obſerv'd in the Caſe of *Photius* Biſhop of *Tyre*, ſince afterwards as the Cities were advanc'd by the Emperors to be Metropolis's, and the Provinces divided, generally the Eccleſiaſtical Polity was likewiſe alter'd; as by the ſame Council of *Chalcedonia* it was allow'd in theſe Words of *Can.* 17. *Sin autem etiam aliqua Civitas ab Imperatoria authoritate innovata fuerit Civiles, & Publicas formas, Eccleſiaſticarum quoque Parochiarum ordo conſequatur.* Whence it came to paſs afterwards, that as the Diſpoſition and Polity of the Empire were chang'd, in like manner ſo many Changes were ſeen in the Eccleſiaſtical State, as ſhall be clearly ſhewn in the Courſe of this Hiſtory.

AFTER the ſame manner the other Provinces likewiſe of this Dioceſs of the Eaſt, ſuch as *Arabia*, *Iſauria*, *Meſopotamia*, *Oſtroena*, *Euphrates* and *Cyprus*, according to the Diſpoſition and Polity of the Empire, acknowledg'd their Metropolitans, who were ſo call'd, becauſe they preſided in the Churches of the principal Cities of the Provinces, and conſequently they enjoy'd ſome Rights and Prerogatives, which the other Biſhops that were over the other Churches of the leſſer Cities of the Province had not. They ordain'd the Biſhops elected by the Churches of the Province; they conven'd the Provincial Councils, and had the Superintendency and Care, that the Faith and Diſcipline ſhould be obſerv'd in the Province, which were the Rights and Privileges of the Metropolitans by which they were diſtinguiſh'd from the other Biſhops: And thus, after the Council of *Nice*, the Title of Metropolitan was underſtood by all the other Councils that ſucceeded, and all the Eccleſiaſtical Writers of the fourth and fifth Centuries.

IT is likewiſe true, that there were ſome Biſhops who had only the Title of Metropolitan, and were ſo call'd for Honour's ſake, not becauſe they had any of thoſe Rights or Prerogatives: So the Biſhop of *Nice* obtain'd the Title of Metropolitan out of Honour only, and took the Place of all the other Biſhops of that Province, but was ſtill under the Metropolitan of *Nicomedia*, whoſe Suffragan he was; ſo likewiſe were the Biſhops of *Chalcedon* and *Berytis*. And according to that Inſtitution in our Time and in our Kingdom we ſee many Biſhops, as that of *Nazaret*, of *Lanciano* and *Roſſano*, and in *Sardinia*, the Biſhop of *Arborenſis* or *Oriſtagni*, who out of Honour enjoy the Title of Metropolitan, altho' they have no Province or Suffragan Biſhop.

THE Title of Archbiſhop is not of Power, as the Metropolitan, but only of Dignity; and at firſt it was only given to the moſt remarkable Biſhops, and but very ſeldom. Neither was it known in the three firſt Ages, nor do we read of ſuch a Title: We begin to hear of it in the fourth Century, firſt in *Athanaſius*, and afterwards in other Writers, and but ſeldom. In the fifth Century it was more uſed, and it began to be given to the Biſhops of *Rome*, to thoſe of *Antioch*, *Alexandria*, *Conſtantinople*, *Jeruſalem*, *Epheſus*, and *Theſſalonica*. In the Sixth it was given likewiſe to the Biſhops of *Tyre* and *Apamea*, and ſome others: S. *Gregory the Great* afterwards gave that Title to the Biſhops of *Corinth*, *Cagliari*, and *Ravenna*; and in the eighth Century it was given to theſe and other renown'd Metropolitans, ſuch as *Nicopolis*, *Solona*, *Aquileja*, *Carthage* and other Cities. But in latter Times, and the Ages leſs diſtant from us, all the Metropolitans aſſum'd that Title promiſcuouſly; thus it was given to ſimple Biſhops, who were not Metropolitans: Whence it was, that among the *Greeks* in the latter Times, there were more Archbiſhops than Metropolitans, becauſe it was eaſy for ſimple Biſhops to aſſume to themſelves that ſpecious Title, but not ſo eaſy to ſubject other Churches to them. And for the ſame Reaſon it is that we ſee many Archbiſhops in our Kingdom without Suffragans: Of which we ſhall treat more fully, when we come to diſcourſe of the Eccleſiaſtical Polity of theſe latter Times.

THUS we ſee the Metropolitans of the Provinces of the Dioceſs of the Eaſt, according to the Diſpoſition of the Metropolitan Cities of the Empire. Thus likewiſe we ſhall ſee in that Dioceſs its *Exarch*, or rather *Patriarch*, who was the Biſhop of *Antioch*, becauſe preſiding in that City which was Head of the whole Dioceſs, he preſided likewiſe over all the Metropolitans of thoſe Provinces, of which that Dioceſs was compos'd; and had the Patriarchal Rights and Privileges, which were, to ordain the Metropolitans, to call Dioceſan Synods, and to have the Superintendency and Care that the Faith and Diſcipline ſhould be kept up in the whole Dioceſs. At firſt they were properly call'd *Exarchs*, becauſe they were ſet over the principal Cities of the Dioceſs, and had ſeveral Provinces under them: Whence, in the Canons of the Council of *Chalcedon*, on account of that Diviſion of the Provinces and the Dioceſes, the Exarchs are diſtinguiſh'd from the Metropolitans: Thus *Philalethes* Biſhop of *Cæſarea*, and *Theodorus* Biſhop of *Epheſus*, were call'd *Exarchs*, becauſe the Firſt had under him the Dioceſs of *Pontus*, and the Second that of *Aſia*. 'Tis true, that this Title was ſometimes given likewiſe to ſimple Metropolitans; and the *Greeks* in latter Times gave it profuſely to many Metropolitans, ſuch as to that of *Amira*, *Sardica*, *Nicomedia*, *Nicea*, *Chalcedon*, *Lariſſa*, and others. Nevertheleſs the proper Signification of the Word *Exarcha*, imports nothing elſe but a Biſhop who preſided over the whole Dioceſs, as the Metropolitan did over the Province. Some of theſe Exarchs were likewiſe call'd *Patriarchs*, which Title, in proceſs of Time, was reſtricted to five only in the Eaſt, amongſt which that of *Antioch* was one.

THE Bounds of the Exarchate of *Antioch* did not extend further than the Confines of the Dioceſs of the Eaſt; ſince the other neighbouring Provinces were within the Limits of the other Dioceſſes, and belong'd to other Exarchs. So the Dioceſs of *Egypt*, as we ſhall ſee anon, was under the Exarch of *Alexandria*, and the other Dioceſſes of the Eaſt, ſuch as the *Aſian*, the *Pontick*, and the *Thracian*; were not in that Exarchate; ſo that in the Council of *Conſtantinople*, the Care of theſe three Dioceſes was committed to their proper Biſhops. Neither do we read, that when the Biſhop of *Conſtantinople* invaded theſe three Dioceſes, and ſubjected them to his Patriachate, as we ſhall ſhortly ſee, that the Biſhop of *Antioch* contended for them as belonging to him.

THE ſecond Dioceſs was *Egypt*, which was under the Care of the *Præfectus Prætorio* of the Eaſt; the principal City of this Dioceſs was the famous and renown'd *Alexandria*: Whence its Biſhop ſo rais'd himſelf and his Church, that next to that of *Rome*, it had the firſt Place; beſides another Prerogative it had, which was, that St. *Mark the Evangeliſt* was the firſt Biſhop of that See.

THIS Dioceſs at firſt was divided only into three Provinces, *Egypt* ſtrictly taken, *Lybia*, and *Pentapolis*: Whence in the ſixth Canon of the Council of *Nice* we read, *Antiqua conſuetudo ſervetur per Ægyptum, Lybiam, & Pentapolim, ita ut Alexandrinus Epiſcopus horum omnium habeat poteſtatem.* *Lybia* was afterwards divided into two Provinces, the Upper and the Lower; the *Arcadian*, the *Theban*, and the *Auguſtamnican* were added: And laſtly, the Dioceſs of *Egypt* was divided into ten Provinces, by which as many Metropolitan Cities ſprung up; whence came ten Metropolitans, equal to the Number of Provinces. Theſe were put under the Biſhop of *Alexandria* as their Exarch, and Head of the Dioceſs, over which he exerciſed all the

Exarchal Rights and Privileges. The Bounds of his Exarchate did not reach further than the Dioceſs of *Egypt*, which comprehended theſe ten Provinces. Neither did he ever concern himſelf with Weſtern *Africa*, as the moſt accurate *Du Pin* proves [1]: Whence they were in a prodigious Error, who reckon'd that all *Africa*, as a Third Part of the World, had been ſubjected to the Patriarchate of *Alexandria*. This Exarchate, as alſo that of *Alexandria*, acquir'd afterwards the Title of Patriarchate, and was one of the Five moſt renown'd in the fifth and ſixth Centuries, as we ſhall ſhew anon.

THE third Dioceſs ſubjected to the *Præfectus P*. of the Eaſt, was *Aſia*, in which one Province, ſtrictly call'd *Aſia*, was Proconſular; and *Epheſus* was the Metropolis of this Province, as alſo Head of the whole Dioceſs. The other Provinces, ſuch as *Pamphilia*, *Helleſpontus*, *Lydia*, *Piſidia*, *Lycaonia*, *Lycia*, *Caria*, and *Phrygia*, which was divided into two, the *Pacatiata*, and the *Salutaris*, were ſubject to the *Vicarius* of *Aſia*, each of which had its Metropolitan; beſides there was a Metropolitan in the Iſland of *Rhodes*, and another in that of *Lesbos*.

THE *Aſian* Dioceſs became one of the *Autocephalæ*, as never having been ſubject either to the Patriarch of *Alexandria*, or that of *Antioch*. It acknowledg'd only the Biſhop of *Epheſus* as Primate, becauſe of his being plac'd in the principal City over all the Dioceſs; on which account *Theodore* Biſhop of *Epheſus*, was call'd *Exarch*, as all the reſt were who govern'd that Church; ſince their Power reach'd not only over one Province, but over all the Dioceſs of *Aſia*. But theſe Exarchs could never attain to the Title of Patriarch, becauſe by Degrees the Patriarch of *Conſtantinople*, not only reſtricted their Power, but altogether ſubjected this intire Dioceſs to his Patriarchate.

THE fourth was the Dioceſs of *Pontus*, the principal City of which was *Cæſarea* in *Cappadocia*. At firſt this Dioceſs was only compos'd of ſix Provinces, which were *Cappadocia*, *Galatia*, *Armenia*, *Pontus*, *Paphlagonia*, and *Bythinia*; each of which afterwards, except *Bythinia*, was divided into Two; and thus from Six, their Number increas'd to Eleven, which had as many Metropolitans. In this Dioceſs was the City of *Nice*, which both in a Civil and Eccleſiaſtical Senſe, was by the Emperors *Valentinian* and *Valens* rais'd to the Dignity of a Metropolis. The Biſhop of *Nicomedia* oppos'd this Advancement, his being the Metropolitan City of that Province, pretending, That it ought not to prejudge him in the Rights and Privileges of his Metropolitan Church; becauſe theſe Princes had granted that Prerogative to *Nice*, not with a Deſign to take away another Man's Rights; by which the Metropolitan of *Nicomedia* preſerv'd the Privileges of his Church, and *Nice* enjoy'd only the Honour and Title, but not the Rights and Privileges of a Metropolitan. Over all which Metropolitans the Biſhop of *Cæſarea*, which was the chief City of that Dioceſs, preſided. On which account he was likewiſe call'd *Exarch*, as were thoſe of *Antioch*, *Alexandria*, and *Epheſus*; but he could not attain to the Honour of Patriarchate as the two Firſt did, becauſe his Dioceſs, with that of *Aſia*, were afterwards ſubjected to the Patriarchate of *Conſtantinople*.

THE fifth and laſt Dioceſs, which was commanded by the *Præfectus P*. of the Eaſt, was *Thracia*, the Head of which was *Heraclea*. It was made up of ſix Provinces, *Europa*, *Thracia*, *Rhodope*, *Eminontus*, *Meſia*, and *Scythia*; each of which had its own Metropolitan; But many and ſtrange were the Alterations in this Dioceſs afterwards, as well in the Civil as Eccleſiaſtical State. At firſt it acknowledg'd the Biſhop of *Heraclea* for Exarch, as Head of the Dioceſs, and who had the Biſhop of *Byzantium* for Suffragan; but after it pleaſed *Conſtantine* to aggrandize this City ſo much, having made it the Head of another Empire, he call'd it likewiſe after his own Name, no more *Byzantium*, but *Conſtantinople*; the Biſhop of this City was exalted above all the reſt, keeping pace with the Polity of the Empire, and not only was not content with the Privileges of Metropolitan or Exarch, in ſuppreſſing that of *Heraclea*; but being adorn'd with the Honour of Patriarch alſo, he pretended afterwards to extend his Authority beyond the Bounds of his Patriarchate, and likewiſe to incroach upon the Provinces of the Patriarchate of *Rome*, as ſhall be ſhewn afterwards.

SUCH in ſhort, in the Times ſucceeding *Conſtantine*, was the Polity of the Eccleſiaſtical State in the Præfecture of the Eaſt, altogether conformable and adapted to that of the Empire.

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[1] Du Pin, de Antiq. Eccl. diſcipl. Diſſer. 1.

ILLYRICUM.

LET us take a View of the Eccleſiaſtical Polity in thoſe Dioceſſes which were under the Government of the *Præfectus P.* of *Illyricum*, that is to ſay, in *Macedonia* and *Dacia*. The Dioceſs of *Macedonia*, which conſiſted of ſix Provinces, to wit, *Achaia*, *Macedonia*, *Creta*, *Theſſalia*, *Old Epirus*, and *New Epirus*, had for its chief City *Theſſaly*, whoſe Biſhop, as Head of the Dioceſs, govern'd the other Provinces, and exercis'd his Exarchal Authority over their Metropolitans. The Dioceſs of *Dacia* was made up of five Provinces, to wit, *Dacia Mediterranea* and *Ripenſis*, *Meſia Prima*, *Dardania*, and Part of *Macedonia Salutaris*. We ſhall have a more proper Opportunity to treat of the Polity of theſe Dioceſſes, when we come to the Patriarchate of *Rome*; for what hath been related of the Polity of the Eccleſiaſtical State of the Eaſt, as to the Conformity it had with that of the Empire, may ſuffice: Let us return to the Weſt, where we ſhall ſtop in *Italy*, and examine it more narrowly in theſe our Provinces, that we may know what Innovations have been, and what Changes it hath occaſion'd to their Political and Temporal State.

The *GALLIÆ.*

BUT firſt we muſt obſerve, what hath been taken Notice of by the moſt nice Searchers into Eccleſiaſtical Matters, which is, that the Polity of the Church is more exactly conformable to that of the Empire in the Eaſt, and *Illyricum*, than in the Weſt, and in theſe our Provinces. There is ſcarcely the ſmalleſt Difference of any Moment to be obſerv'd in the Eaſt; but in the Weſt there are many. In the *Galliæ* there are conſiderable, and likewiſe in *Italy* there are ſome perceiv'd, but many more in Weſtern *Africa*, where the Eccleſiaſtical Metropolis's agree in nothing with the Civil.

THE *Galliæ*, according to the above mention'd Deſcription, which were under the Command of this *Præfectus*, were divided into three Dioceſſes: *Gallia*, which was made up of ſeventeen Provinces; *Spain* of Seven, and *Britain* of Five.

THERE's no doubt but that at firſt *Gallia* had its Churches diſpos'd according to the Diſpoſition of the Provinces of which the Dioceſs was compos'd, ſo that every Eccleſiaſtical Metropolis was conformable to the Civil; and that in theſe early Times *Gallia* acknowledg'd no Primate or *Exarch*, as the Dioceſſes of the Eaſt did, but the Biſhops with their Metropolitans govern'd the *Gallican* Church. And the Reaſon was, becauſe in *Gallia* there was not one City ſo noted and eminent above all the reſt, on which they were to have a Dependance, as there were in other Parts of the World: But afterwards many of thoſe Cities contended for the Right of Primacy. In the Province of *Narbonne* there was a great Diſpute between the Biſhops of *Vienne* and *Arles*, of which *Du Pin* [1] treats at large. In *Aquitaine*, long after, another Diſpute aroſe between the Biſhops of *Burges* and *Bourdeaux*, which may be ſeen in *Alteſerra* [2]. In latter Times in the Weſt, theſe Biſhops who were Metropolitans of any of the moſt noted Cities, claim'd many Prerogatives over the other Metropolitans, and call'd themſelves Primates, altho' at firſt that Title was indifferently beſtow'd on all Metropolitans: So in *France*, the Metropolitan of *Lyons* is call'd Primate, and poſſeſſes a great many more Prerogatives than the other Metropolitans.

IN thoſe early Times *Spain* had ſome Eccleſiaſtical Polity according to that of the Empire; but afterwards the Political Government changing, all was chang'd with it; and as one City, either on account of the Reſidence of the Prince, or any other Cauſe, was rais'd above the reſt of ſeveral Provinces, ſo the Biſhop of that Church, not content with the Rights of Metropolitan, claim'd many Prerogatives over the reſt, and call'd himſelf Primate: Thus *Spain* has now for Primate the Archbiſhop of *Toledo*; and *France* the Archbiſhop of *Lyons*.

ALTHO' *Britain* at firſt had ſome Eccleſiaſtical Polity conformable to the Civil of the Empire, yet being afterwards poſſeſs'd by the *Saxons*, it loſt it altogether; ſo that there remain'd no Veſtige of the ancient Polity, neither in the Civil nor Eccleſiaſtick State.

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[1] Du Pin. loc. cit.

[2] Alteſer. rer. Aquitan. lib. 4. cap. 4.

ITALY.

WE have reſerv'd to this laſt Place the Præfecture of *Italy*, ſince we are to ſtop in it according to our Intention, in order to know more minutely the Eccleſiaſtical Polity of theſe our Provinces in thoſe Times.

UNDER the Præfect of *Italy*, as we have ſeen, there were three Dioceſſes, *Illyricum*, *Africa*, and *Italy*: It doth not belong to this Place to ſpeak of the firſt Two; but of *Italy*, where we may ſee the moſt famous Patriarchate in the World inſtituted, it will be neceſſary, that we diſcourſe at large: What ought to be eſteem'd one of the greateſt Honours of this Dioceſs, is, that when all the other Patriarchates, and that of *Conſtantinople* itſelf, which alſo attempted to uſurp its Rights, are now demoliſh'd, the Patriarchate of *Rome* only ſtands its Ground; and has annex'd to it the Prerogatives of the Chief and Head of all the Churches of the Catholick World, and of all the Patriarchs that ever were: And our *Italy* and *Rome* can juſtly boaſt, of being the principal Seat of Religion, as it was of Empire.

UNDER the Præfect of *Italy*, as we have ſaid, there were two *Vicariates*, the *Vicariate* of *Rome*, and that of *Italy*. In the *Vicariate* of *Rome*, there were ten Provinces. All the Four of which our Kingdom is compos'd, to wit, *Campania*, *Puglia* and *Calabria*, *Lucania*, and the *Brutii*: and *Samnium* belong'd to the *Vicariate* of that City: *Hetruria* and *Umbria* were likewiſe comprehended in it; as alſo *Picenum Suburbicarium*, *Sicilia*, *Sardinia*, *Corſica* and *Valeria*.

UNDER the *Vicariate* of *Italy*, whoſe Head was the City of *Milan*, there were ſeven Provinces, to wit, *Liguria*, *Emilia*, *Flaminia*, or *Picenum Annonarium*, *Venetia*, to which afterwards *Iſtria* was added, the *Alpes Cottiæ*, and both the *Rhætiæ*.

THE Diviſion of *Italy* into two *Vicariates* imports, That the Eccleſiaſtical Polity of *Italy* did not anſwer to that of the Eaſt; ſince it was not every Province of *Italy* which had a Metropolis, that likewiſe had a Metropolitan, as in the Eaſt, but the Cities, as at firſt had their ſimple Biſhops; and thoſe were not Suffragans to any Metropolitan, but either to the Biſhop of *Rome* or *Milan*: Thoſe of the *Vicariate* of *Rome* to the Biſhop of that City, and thoſe of the *Vicariate* of *Italy* to the Biſhop of *Milan* [1].

THE Provinces which belong'd to the *Vicariate* of the City of *Rome*, as *Sirmundus* very well proves [2], for that very Reaſon were call'd *Suburbicarian*: Whence the *Suburbicarian* Churches were thoſe which were comprehended in the *Vicariate* of *Rome*. *Gotifredus* and *Salmaſius* are of another Opinion; they confine the *Suburbicarian* Provinces and Churches to too narrow Bounds, and pretend that they extended a hundred Miles round *Rome*, and no further, and were under the Direction of the Præfect of the City of *Rome*. Others have run into another Extremes, and under the Name of *Suburbicarian* Provinces, underſtood the univerſal Empire of *Rome*, or at leaſt all the Weſt, as *Emanuel Schelſtrat* and *Leo Allatius*, with great Flouriſhes, have endeavour'd to prove [3].

BUT *Lewis Du Pin* [4] could not approve of the Opinion of *Sirmundus* as right, and rejecting the contrary Opinions of the other two; upon ſtrong and ſolid Grounds he affirms, the *Suburbicarian* Provinces and Churches, to have been thoſe which were under the Command of the *Vicarius* of *Rome*, and were comprehended in that *Vicariate*.

FOR this Reaſon it was, that ſince the Polity of the Church kept pace with that of the Empire, the Biſhop of *Rome* exercis'd the Prerogatives of Metropolitan over all thoſe Provinces. He could not properly be call'd *Exarch*, becauſe the intire Dioceſs of *Italy* was not under his Direction; thoſe being call'd *Exarchs* in the Eaſt, who had the Charge of intire Dioceſſes: But the Dioceſſes of *Italy* being divided into *Vicariates*, he could not extend his Authority further than his own *Vicariate*, neither in *Italy*, nor out of it. For out of theſe *Suburbican* Provinces, the Metropolitans of each Province ordain'd all the Biſhops, and they themſelves were ordain'd by the Biſhop of the Province [5]: And if it at any Time we read, that the *Roman* Pontiff in thoſe Days conven'd numerous Synods from all the Provinces of the Weſt, it was not only by his Authority of Metropolitan, but by reaſon of the Primacy which he had over all the Churches of the Catholick World; which in proceſs of Time (theſe two Authorities being jumbled together) extended the *Roman* Patriarchate to what we have ſeen it ſince, when not content with the *Suburbicarian* Provinces, he ſubjected *Illyricum*, whither he ſent his *Vicarii*: And ſoon after he not only extended his Authority over all the Provinces of *Italy*, but likewiſe over the *Galliæ* and *Spain*; ſo that he acquir'd the Title of Patriarch of all the Weſt, as we ſhall ſee anon.

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[1] P. de Marca, de Conc. lib. 1. c. 3. num. 12.

[2] Sirmond. de Suburb. Region. lib. 1. cap. 7.

[3] Schelſtr. Ant. illuſtr. Par. 1. Diſſ. 2. cap. 3. Leo Allat. de Occid. & Orient. conſ. l. 1. c. 9.

[4] Du Pin loc. cit.

[5] Gotofr. Topogr. 420. Cod. Th. tom. 6.

BUT in the Reign of *Conſtantine*, and down to that of *Valentinian* III. the Power which he exerciſ'd by uſual Right, extended no further than over the *Suburbicarian* Provinces [1]: And therefore it likewiſe fell out, that the *Roman* Pontiff exerciſed his Authority over theſe Provinces, with greater and more full Power, than the *Exarchs* of the Eaſt did over the Provinces of their Dioceſs; foraſmuch as the Ordination of Biſhops not only of the Metropolitan Cities, but likewiſe of all the other Biſhops of theſe Provinces belong'd to him: Whereas in the Eaſt, the *Exarchs* left the Ordination of theſe Biſhops to their Metropolitans.

THE Title of Patriarch was given to the *Exarchs* of the Eaſt long before it was given to the *Roman* Pontiff. If we regard the Antiquity of the Church, that Title of Patriarch was at firſt given in the Eaſt as an Encomium, even to ſimple Biſhops [2]: Afterwards it was confin'd to the *Exarchs* who had the Charge of intire Dioceſſes; for which Cauſe, among the *Greeks* all the *Exarchs* got the Title of Patriarch. But in the Weſt among the *Latins*, the firſt who was ſo call'd, was the *Roman* Pontiff; and it was the *Greeks* themſelves who firſt gave him that Encomium, but not before the Reign of *Valentinian* III. At this Time *Leo R. P.* was by the *Greeks* and by *Martianus* himſelf Emperor of the Eaſt, call'd Patriarch; and neither the *Latins* themſelves nor the *Greeks* gave him ſuch a Title before, as the moſt exact *Du Pin* remarks: And *Sirmundus* [3] cannot bring Authorities againſt *Claudius Salmaſius* on that Subject, more ancient than the Emperors *Anaſtaſius* and *Juſtinus*, who had call'd *Ormiſda* Biſhop of *Rome* Patriarch.

FOR which Reaſon we read not of any Metropolitan in our Provinces: And altho' after *Conſtantine*, the Eccleſiaſtical Hierarchy was in greater Splendor, yet the Cities of our Provinces had only Biſhops, as at firſt, acknowledging none other but the Biſhop of *Rome* for their Metropolitan. Which did not happen to the Provinces of the Eaſt; in which, as we have ſhewn, each Province had its Metropolitan, who exerciſ'd the Rights of Metropolitan over the Biſhops of that Province: With us the Polity was different; for altho' the Province of *Campania* had its Metropolitan City, which was *Capua*, its Biſhop did not on that Account pretend to any Superiority over the other Biſhops of the ſame Province, by making them his Suffragans: And it is of much later Date, and properly in the Year 968, that the Church of *Capua* was made a Metropolis, and that its Biſhop acquir'd the Rights of Metropolitan over many Biſhops of that Province his Suffragans. *Puglia* likewiſe and *Calabria* did not acknowledge their Metropolitans for a long Time after. And if it be not valid what the Patriarch of *Conſtantinople* did with reſpect to theſe Churches of that Province, to wit, *Bari*, *Brunduſium*, *Otranto*, *Canoſa*, *Tarentum*, *S. Severina*, and other Cities of the ſame, their Claim will not be allow'd them until the following Centuries; and *Sipontum* was made a Metropolis later, by *Benedict* IX. in the Year 1034. The ſame is to be obſerv'd in the Provinces of *Lucania* and the *Brutii*, where *Rhegium* and *Salernum*, according to the Polity of the Empire, were the Metropolitan Cities of the ſaid Provinces in thoſe Times, and had only Biſhops; and *Rhegium* had its Metropolitan afterwards, by the Favour of the Patriarch of *Conſtantinople*, as *Salernum* had by that of *Benedict* the Vth in the Year 984; and ſo of the reſt, which we ſee now in that Province. *Samnium* was much later made a Metropolis: *Beneventum* was advanc'd to that Honour in the Year 969, a Year after *Capua*; and all the Metropolitans which we ſee now in ſuch great Numbers in all theſe our Provinces, have a later Origin, which we ſhall clearly make appear in the Courſe of this Hiſtory.

IN the Reign of *Conſtantine*, down to that of *Valentinian* III. of which we are now treating, the Churches of theſe our Provinces, as *Suburbicariæ*, had for Metropolitan only the Pontiff of *Rome*; to him only belong'd the Ordination of Biſhops [4]: And when any City wanted a Biſhop, the Clergy and People elected a

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[1] Du Pin. loc. cit. pag. 39.

[2] Du Pin, de Antiq. Eccl. diſc. Diſſ. 1. p. 10.

[3] Sirmond. de Eccl. Suburb. lib. 2. cap. 7.

[4] Du Pin. loc. cit.

Succeſſor, then they ſent to acquaint the *Roman* Pontiff, that he might be ordain'd [1]; who frequently, either made the Elect come to *Rome*, or ſent his Delagation to others for ordaining him; and it was afterwards introduc'd, that when there was any Conteſt about the Election, he decided it, or it was ended by Compromiſe: Which Cuſtom we ſee continu'd in the Time of *Gregory the Great*, concerning which, there are yet remaining many Proviſions in the Regiſter of his Letters, which he ſent for the Election of the Biſhops of *Capua*, *Naples*, *Cuma*, and *Miſenus* in *Campania* [2]; and in *Samnium*, of the Biſhops of the *Aprutii*. And in *Sicily*, as a *Suburbicarian* Province, we likewiſe ſee the ſame Authority exercis'd by the *Roman* Pontiffs in the Election of Biſhops, as is manifeſt from the Letters of *Leo* and *Gregory the Great* [3].

SUCH in ſhort, was the Eccleſiaſtical Polity of theſe our Provinces in the fourth and fifth Centuries: They had as at firſt, only Biſhops, neither did they acknowledge any Metropolitan over their Cities; only the *Roman* Pontiffs exercis'd the Rights of Metropolitan over them, and had ſpecial Regard and Concern for them. For which Reaſon, neither the *Arian* nor *Pelegian* Hereſies had ever any footing in them [4]. Neither had the Patriarchs of *Conſtantinople* commenc'd their Pretenſion of ſubjecting theſe Provinces to their Patriarchate, as they attempted afterwards in the Time of *Leo Iſauricus*, and of Pope *Gregory* II. and which they effected ſome time after; of which we ſhall have occaſion to diſcourſe in another Place. Neither was there any other Hierarchy known in theſe our Provinces to that Time, but that of Deacons, Prieſts, Biſhops, and Metropolitan, which was the Biſhop of *Rome*, both Head and Chief of all the Churches of the Catholick World. Some have likewiſe mention'd at this Time, the Inſtitution of Subdeacons, Acolyts, Exorciſts, Readers, and Doorkeepers; as alſo other Miniſters, which have no manner of relation to the Hierarchical Order, but only were intruſted with the Keeping and Care of the Temporalites of the Church: Of whom we ſhall have occaſion to ſpeak elſewhere.

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[1] P. Caracc. de Sacr. Neap. Eccl. Mon. de Severo Ep.

[2] De Capua Epiſt. 13. lib. 4. & Ep. 26. lib. 8. de Neap. Epiſt. 40. lib. 8. & Epiſt. 15. lib. 2. de Cuma Epiſt. 9. lib. 2. de Miſen. Ep. 25. lib. 7. de Aprut. Ep. 12. lib. 10.

[3] Leo Ep. 16. ad Epiſc. Sicel. Greg. Ep. 13. lib. 5.

[4] Caracc. de Sacr. Eccl. Neap. monum. cap. 1. Sect. 4.

SECT. I.

Of MONKS.

ALTHO' the *Solitarii* had already been taken Notice of in the Eaſt, in their Language call'd *Monachi*; yet theſe were only Secular Men, without Character or Degree, who for the moſt part led their Lives in the Solitudes and Deſarts of *Egypt*: As ſoon as Peace was given to the Church by the Emperor *Conſtantine*, that Virtue, which in the three firſt preceding Ages was practis'd in the Chriſtian Societies in the Midſt of Perſecutions, began to ſlacken; and ſeeing there was no more Danger in being a Chriſtian, many made Profeſſion of being ſuch, without being well converted, or perſuaded of the Contempt of Pleaſures, of Riches, or of the Hope of Heaven. So they who were inclin'd to practiſe a Chriſtian Life in a greater Purity, found it moſt ſecure in ſeperating themſelves from the World, and living in Solitude [1].

THE firſt Monks that we read of, were divided and diſtinguiſh'd into two Orders, to wit, the *Solitarii*, and the *Cœnobitæ*: The Firſt were alſo call'd *Eremitæ*, *Monachi*, *Monazontæ*, and *Anachoretæ*. Some derive the Origin of *Monachiſm* from the *Therapeutæ*, who believ'd that there was a particular Society of Chriſtians eſtabliſh'd by St. *Mark*, in the Neighbourhood of *Alexandria*; whoſe Lives *Philo* deſcribes.

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[1] Fleury Coſtum de Criſt. cap. 41.

But altho' *Euſebius* believ'd that the *Therapeutæ* were Chriſtians, and had aſcrib'd unto them the Name of *Aſcetæ*, nevertheleſs 'tis very unlikely that they were reputed Chriſtians, and Diſciples of St. *Mark*, ſince altho' their Lives, as *Philo* deſcribes them, approach'd very near to thoſe of Chriſtians, yet the many Things which he adds concerning their Rites and Cuſtoms, ſuch as the Obſervation of the Sabbath, the Table on which they offer'd Bread, Salt, and Hyſſop, in Honour of the Holy Table, which was within the Porch of the Temple, and a Thouſand other Cuſtoms, which were no ways agreeable to thoſe of the ancient Chriſtians, convince us, and demonſtrate, that they were *Jews* and not Chriſtians. The Name of *Aſcetæ*, which *Euſebius* aſcribes to them, ought not to make them paſs for Monks, ſince the Word *Aſcetæ* is a general Term, which ſignifies thoſe who lead a Life more Auſtere and Religious than others; therefore we cannot conclude, that he believ'd the *Aſcetæ* were Monks.

HOWEVER that may be, 'tis certain, that in the fourth Century thoſe Monks multiply'd in ſuch a manner, that there was not a Province in the Eaſt that was not full of them. The Dioceſs of the Eaſt, of which *Antioch* was the Head, abounded with them. In *Egypt* their Number was infinite. In *Africa* and in *Syria* they had them in Plenty. And in the Weſt they had likewiſe penetrated within the Limits of the Biſhoprick of *Rome*, our *Campania*, and the neighbouring Provinces, as is clear from a Conſtitution of *Valentinian the Elder* in the Year 370. directed to *Damaſus* Biſhop of *Rome* [1]: *Palladius* likewiſe reports [2], that in theſe our Provinces, as well in *Campania* as the neighbouring Places, towards the End of the fourth Century, many led Hermitical and Solitary Lives; and *P. Caracciolus* [3] ſays, that many were ſeen not only in *Campania*, but alſo in *Samnium* and *Lucania*.

THESE liv'd ſolitarily and in the Deſarts, and there led Lives altogether devout, free from all worldly Care, and the Converſation of Men. They built poor little Cells for their Habitations, and ſpent the Day in Labour, in making of Matts, Baskets, and other eaſy Work; and their Labour ſerv'd not only for their Suſtenance, but likewiſe for Alms. The Heathens reckon'd their Life idle and lazy; for which they were bitterly calumniated by their Writers [4], accuſing them of defiling themſelves with filthy Luſt, and abominable Vices. They had no certain Rules, neither were they tied by any Vows: Their quiet Life drew many to the Woods, ſo that Abuſes began ſoon to creep in; becauſe many, for avoiding the Expences of the Court, and other Charges of the Commonwealth, and in order to lead a Life altogether idle, and to ſhun all other Obligation, under the feign'd Pretence of Religion, left the Cities, and went to aſſociate themſelves with the *Solitarii*; ſo that it behov'd *Valens* to forbid theſe Retreats, and order them to return to the Cities, to bear the Charges according to their Duty [5].

BUT the *Solitarii*, not long after, degenerating from their Inſtitution, too often frequented the Cities, and meddled in Secular Affairs: There was neither Proceſs before the Tribunals, nor Dealings, or any Buſineſs whatſoever on the Publick Market-Place, into which they did not thruſt themſelves; and their Boldneſs increaſing more and more, they were the Cauſe of many Diſorders and Tumults which often happen'd in the Cities; of which we read many Inſtances in *Eunapius* [6], *Chryſoſtome*, *Theodorete*, *Zoſimus*, *Libanius*, *Ambroſius*, *Baſilius*, *Iſidorus*, *Peluſiota*, *Hieronymus*, and others: So that the Judges, and the other Magiſtrates, were oblig'd to have recourſe to the Emperor *Theodoſius the Great*, that he would be pleas'd to remedy ſo great Diſorders which were ſo pernicious to the Commonwealth: Upon which that Prince put forth a Law, by which he ordain'd, That they ſhould not leave their Solitudes, nor ever come to the Cities; but before twenty Months were ended, the ſame *Theodoſius*, out of Favour to the ſame *Solitarii*, revok'd that Law [7].

THEY had for their chief Standard-Bearer in *Thebais*, *Paul*, on which account he was call'd chief Hermite: In *Paleſtine*, *Hilarion*; and in the Deſarts of *Egypt*, *Hieronymus*, who by ſo living, deſign'd to imitate *Elias*, and *John* the Fore-runner of *Chriſt*, they render'd themſelves very famous and remarkable by their Auſterity.

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[1] L. 20. C. Th. de Epiſc. & Cler. Got. in parat. in C. Th. l. 1. de Monach.

[2] Pall. ad Laudum. & Romæ & in Campania, & in iis, quæ ſunt circa eis partibus.

[3] P. Caracciol. de Sacr. Eccl. Neap. Monum. cap. 2. §. 5.

[4] Eunap. and others, which may be ſeen, beſides others in Amaſa, l. 26. C. de Decur. l. 10.

[5] L. 6. C. de Decurion. lib. 10. tit. 31.

[6] Eunap. Ædeſ. p. 78. Chryſoſt. or. 17. ad Pop. Theodor. lib. 5. cap. 19. Zoſim. lib. 5. p. 800. Liban. orat. Ambr. Epiſt. 29.

[7] L. 12. C. Th. de Monach. Got.

THE others were call'd *Cœnobitæ*, or Religious, becauſe they had preſcrib'd to themſelves certain Rules of Life, and liv'd in Common. Theſe have their Origin from the *Eſſeni*, who were a Sect of the *Jews* diſtinct from the *Therapeutæ*, and their Manner of Living differ'd much from that of the others; ſo that theſe led a Life altogether Contemplative and very Devout, of which *Philo*[1], in *Euſebius*, gives a long Account, deſcribing it in every Thing like unto that of our Religious.

THEIR chief Leader in *Thebais* was *Anthony*. In *Greece*, *Baſil*, who oblig'd them to take three Vows, which we now call eſſential to Religion; to wit, Obedience for ſubduing the Pride of the Mind; Chaſtity with regard to the Motions of our Bodies; and Poverty, by a total Abhorrence of the Goods of Fortune.

S. *BENEDICT* introduc'd it into *Italy*, and, properly ſpeaking, into our *Campania*; but that fell out in the ſixth Century under the Reign of *Totila*, of which in the following Books we ſhall have an Opportunity to diſcourſe more at large, as of a Plant that throve too much in this our Soil, and extended its Branches, and ſpread its Buds into many remote Countries.

S. *PACOMIUS* compleated the Monaſtick Order, by gathering together many Monaſteries into one; giving a Rule, and founding Monaſteries for Virgins, who made a Vow of Virginity, and after a certain Time receiv'd the Veil with Solemnity. Thus a Monaſtick Life in both the Sexes being grown more common, Monaſteries were eſtabliſh'd, not only near to the great Cities, but likewiſe within them; in which Monaſteries the Monks liv'd in Solitude, in the midſt of a Multitude, according to their Rule, under the Direction of an Abbot, or *Archimandrite*: And *Monachiſm* made its way from the Eaſt to the Weſt, about the End of the fourth Century.

FROM theſe *Cœnobitæ* in the following Ages there ſprouted an infinite Number of other Orders under different Rules, which may be ſeen in *Polydore Virgil*[2], of which we ſhall give an Account in the Progreſs of this Hiſtory.

S. *AUGUSTINE*, beſides, introduc'd another Order into *Africa*: He was Author of the Canons Regular, having put his Prieſts of the Church of *Hippon* into a religious Life. He neither call'd them Monks nor Religious, but Canons, that is to ſay, reſtricted to certain Rules, which made up partly a Clerical, and partly a Monaſtick Life; and it was call'd an Apoſtolick Life, with intent to renew the common Life of the Apoſtles: They were tied by the foreſaid three Vows, and were in a Cloiſter[3].

AFTERWARDS the *Mendicants* ſtarted up, who, to the other three Vows, added a fourth of Begging, that is to ſay, of living on Alms. Then follow'd the Brother Knights, ſuch as were thoſe of St. *John of Jeruſalem*, the *Teutonicks*, the *Templars*, who were extirpated by *Clement* the Vth; the Commendators of S. *Anthony*, the Knights Sword-Bearers of *Chriſt*, of S. *Lazarus*, and others, all mention'd by *Polydore Virgil*; who were call'd Brethren Knights, or Religious Knights, to diſtinguiſh them from the Knights Laicks, who were Noble, of whom we ſhall treat in the following Books of this Hiſtory.

WE ſhall give a ſhort Relation of the Times when theſe new Orders of Religious appear'd: Whence we ſhall ſee not without Aſtoniſhment, how in theſe our Provinces, in the Courſe of Time, they have been able to produce ſo many and ſo various Orders, and to found ſo many and magnificent Monaſteries, that now they poſſeſs the greateſt Part of the Commonwealth, and our Subſtance, making ſuch a conſiderable Body, that it has been able to change the Civil and Temporal State of our Kingdom.

IN theſe Ages, from *Conſtantine* down to *Valentinian* III. of which we are treating, they occaſion'd no Alteration in the Politick State; for altho' many *Solitarii* had already fix'd themſelves in the Biſhoprick of *Rome*, by the Favour of the foreſaid Conſtitution of *Valentinian the Elder*; and had likewiſe penetrated into theſe our Provinces, where, being confin'd to ſolitary Places, they led their Lives; yet they created no Miſchief or Trouble to the State, neither were they minded, nor had in any Eſteem, nor did the Eccleſiaſtical Hierarchy ſuffer any thing by them.

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[1] Philo. in Euſeb. de prepar. Evan. Loyſeau des Ordres.

[2] Pol. Virg. lib. 6.

[3] Loyſeau des Ordres.

BEFORE St. *Benedict*, 'tis certain, that the *Cœnobitæ* were very rare, and their Monaſteries as ſcarce, and of no account; for what is told of the Monaſtery erected in *Naples* by *Severus* Biſhop of that City, who flouriſh'd in the Year 375. under the Name of S. *Martin*, the ſaid Saint being ſtill alive [1]; and of the other of S. *Gaudioſus*, which they pretend was founded by S. *Gaudioſus* himſelf, Biſhop of *Bithynia*, in the Year 438; who, to ſhun the Perſecution of *Gizericus* King of *Africa*, fled to *Naples* [2]: Tho' it was built about the Year 770. by *Stephen* II. Biſhop of that City [3]; and of ſome others founded in other Cities of theſe our Provinces carried back to theſe Times, is altogether fabulous and ill contriv'd, and not worth confuting [4].

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[1] Chiocar. de Epiſ. Neap. in Sancto Severo.

[2] Ugel. de Epiſc. Neap. tom. 6. pag. 49.

[3] P. Carac. de Sacr. Eccl. Neap. Monum. de S. Gaudioſo.

[4] Ugh. loc. cit. pag. 61 & 93.

SECT. II.

The firſt Collection of CANONS.

THE Regulations, which, by degrees, after *Conſtantine* had given Peace to the Church, begun to be eſtabliſh'd by the Eccleſiaſtical State; altho' they were always multiplying during the Space of an Age and a half, to the Reigns of *Theodoſius the Younger* and *Valentinian* III. nevertheleſs gave no Jealouſy in thoſe Days to the Emperors; foraſmuch as at that Time it was never call'd in queſtion, and was a Thing a thouſand Times confeſs'd, and never deny'd by the Eccleſiaſticks themſelves, that the Princes, by their Authority, and the Protection they vouchſafed the Church, could laudably inſpect, and take care of the very Canonical Diſcipline, and correct what might be of Detriment, or bring Diſorder to the State; of which the whole Sixteenth Book of the *Theodoſian* Code, compil'd on purpoſe for the Benefit of the Perſons and Goods of the Eccleſiaſticks, gives an ample and clear Teſtimony.

ON the other hand, as we have ſaid in the firſt Book, the Power of making Canons concerning Church Diſcipline, belong'd to the Church, ſhe having, by the Piety of *Conſtantine*, already acquir'd greater Splendor, and a more ample and numerous Hierarchy, and conſequently had the more need of new Regulations for her good Government, and preventing Diſorders, which Multitude always occaſions: Therefore, beſides the Books of the Old and New Teſtaments, and ſome Canons eſtabliſh'd in divers Synods held in the firſt three Centuries, there were more afterwards formed in the more general Councils, which were held for that End; for the Church being in Peace, by the Favour of *Conſtantine*, it was more eaſy, for many Churches united together, to communicate and treat on what regarded the Diſcipline; ſince, in all other external Affairs, the Eccleſiaſticks obey'd the Magiſtrates, and obſerv'd the Civil Laws.

FROM this Time, and no ſooner, did Canons take their riſe, of which afterwards there were many Collections made; for tho' ſome have believ'd, that from the very Infancy of Chriſtianity there had been ſome Regulations made by the Apoſtles, which even to this Day we ſee collected to the Number of Eighty-Five, under the Title of *Canones Apoſtolorum*: Nevertheleſs, neither the Opinion of *Turrianus* [1], who reckon'd them all to be the Work of the Apoſtles; nor that of *Baronius* and *Bellarmine*, who believ'd that only Fifty of theſe Canons were Apoſtolick, have been embrac'd by learned Criticks, who generally take them to be a Collection of ancient Canons, and properly of the Canons made in the Councils that met before that of *Nice*, and which, without entering into a Diſpute, may be ſeen in *William Beverige* [2], *Gabriel d'Aubeſpine*, *Lewis Du Pin*, and others;

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[1] Franc. Turrian. lib. ſingulari adver. Magdebur. Centur.

[2] Gulielm. Bevereg. Cod. Can. Eccl. Primit. vindicatus.

and, which is more remarkable, Pope *Gelaſius* declares them Apocryphal in *Can. Sancta Romana*, *Diſt.* 15.

THE ſame is ſaid of the Book of the Apoſtolical Conſtitutions, falſly attributed to St. *Clement*, on Account of the great Authority of this holy Pope; whether it was at firſt forged under the Name of *Clement*, or afterwards may have been corrupted by Hereticks, 'tis certain it carries no Authority with it in Matters of Religion, there having been divers Things added to it at different Times; for altho' the intire Diſcipline be laid down in it, at leaſt of the Eaſtern Church, yet Men of the beſt Judgment conclude, that it cannot be more ancient than the third Century[1]: And tho' we ought to believe, that before this Time there had been divers Councils aſſembled by the Eccleſiaſticks, according to the various Occurrences in the Purity of the Chriſtian Doctrine, and the Soundneſs of Diſcipline, as far as the Perſecution of the Heathens, which was in a manner continual, and the Unhappineſs of the Times, permitted them; nevertheleſs, the true Canons of thoſe are loſt, and all the others ſo much boaſted of, are Apocryphal, and eſpecially the Acts of the Council of *Sinueſſa*, by the Apoſtacy of Pope *Marcellinus*, and the Decree, that the chief See cannot be judged by any Perſon, are certainly Things altogether Apocryphal, which *Baronius*[2], by the Authority of St. *Auguſtine*, demonſtrates to be a Forgery of the *Donatiſts*; and *Cironius*[3] proves, That the Accuſation againſt *Marcellinus* was never true, whatever *P. Caracciolus*[4] may ſay on the Subject.

FINALLY, as to the Epiſtles of the chief Pontiffs, altho' ſome of them be as old as the firſt and ſecond Centuries; nevertheleſs, excepting two Letters of St. *Clement* to the *Corinthians*, which are rather Aſcetick than Decretal, 'tis now the conſtant Opinion of the moſt diligent and accurate Criticks, I don't ſay among the Proteſtants, ſuch as *Blondel* and *Salmaſius*, but among the moſt godly Catholicks, ſuch as *Thomaſin*, *Pagi*, and others, that all the Decretals, which we read as written by the *Roman* Pontiffs before Pope *Siriacius*, who died in the Year 398, and which we find collected by *Iſidore Mercator*, who appear'd in the World towards the End of the Reign of *Charles the Great*, are truly ſpurious and forg'd, and contriv'd by that Impoſtor to pleaſe himſelf; *De hac Iſidori Impoſtura*, ſays *Thomaſinus*[5], *inter doctos jam convenit.*

THE firſt Canons then, whence ſo many Collections began, are thoſe which we find of the Councils of the fourth Century. The firſt Councils among the Oecumenical, were that of *Nice* in *Bythinia*, aſſembled by the Order of *Conſtantine* in the Year 325, and that of *Conſtantinople* by the Command of *Theodoſius the Great*, in the Year 381. The moſt ancient of the Provincial Councils (altho' the Chronologers fix the Epocha of them variouſly, not being able to point out the Year with any Certainty) were that of *Gangra* in *Paphlagonia*, of *Neocæſarea* in *Pontus*, of *Ancyra* in *Galatia*, of *Antioch* in *Syria*, and of *Laodicea* in *Phrygia*, beſides a great many others held in *Africa*, in *Spain*, and elſewhere, leſs famous.

AFTER this Time, to wit, towards the End of the fourth Century, about the Year 385, the firſt Collection of Canons was publiſh'd by the Labour of a certain Biſhop of *Epheſus* nam'd *Stephen*, as *Peter de Marca*[6], on the Faith of *Chriſtophanus Juſtellus*, atteſts. In it are contain'd a Hundred and Sixty Five Canons taken from theſe Seven Councils, two General and five Provincial of the Eaſtern Church lately mention'd, to wit, twenty from the Council of *Nice*, twenty-four from that of *Ancyra*, fourteen from that of *Neocæſarea*, twenty from that of *Gangra*, twenty-five from that of *Antioch*, fifty-nine from that of *Laodicea*, and three from that of *Conſtantinople*[7]. And 'tis to be obſerv'd, that the firſt Canons concerning the Eccleſiaſtick Polity and Diſcipline, were eſtabliſh'd in the Council of *Ancyra*, which was celebrated in the Year 314; ſince in the other more ancient Councils, there was nothing treated of but Matters concerning the Tenets and Doctrine of the Church. Whether that Collection had been made by *Stephen* for his own Diverſion, or by the Authority of any Council of the Eaſt, cannot be certainly determin'd: However 'tis certain, that it was ſo much applauded, and ſo univerſally receiv'd, that the Council of *Chalcedon* referr'd to it, and order'd, that the Canons ſhould be read from it, approving of it in theſe Words; *Regulas a Sanctis Patribus in unaquaque Synodo uſque nunc prolatas teneri Statuimus* [1]. And becauſe theſe Canons were all written in *Greek*, there was a *Latin* Tranſlation of it made for the Uſe of the Weſtern Churches, the Author of which is uncertain. Neither did the *Roman* Church, nor the Churches of theſe our Provinces make uſe of any other Collection, but of this ſo tranſlated, till the ſixth Century, that the Collection of *Dionyſius Exiguus* appear'd; and the *Gallican* and *German* Churches continu'd to make uſe of it to the ninth Century: it had for Title, according to *Juſtellus*; *Codex Canonum Eccleſiæ Univerſæ*; and, according to *Florens*, this other, *Collectio Canonum Orientalium.*

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[1] Baron. ad A. 32. §. 17. Bellarm. de Script. Eccl. in Clemen. Perron. in Replic. ad Reg. Britan. cap. 24.

[2] Baron. ad An. 302. Pag. ad An. 304. Num. 12. S. Auguſt. contra Petilian. cap. 16.

[3] Ciron. 4. obſ. 5.

[4] P. Carac. de Sacr. Eccl. Neap. Mon. cap. 2, ſect. 3.

[5] Thomaſ. de Vet. Eccl. Diſc. par. 2. lib. 1. cap. 9. num. 10.

[6] Marca, lib. 3. de Concor. cap. 3.

[7] Doviat. Hiſt. du droit. Canon. par. 1. c. 6.

NEVERTHELESS, in Proceſs of Time, in a ſecond Collection or Addition, the Author of which *Doviat* [2] believes to be the ſame Biſhop *Stephen*, made after the Year 451, there were added all the Seven Canons of the firſt Council of *Conſtantinople*, of which there were only three in the firſt eight Canons of the Council of *Epheſus*, and twenty-nine of that of *Chalcedon*, all of them general; ſo that all this Collection was compos'd of two hundred and ſix Canons. Some time after, the Canons of the Council of *Sardica* were added, and fifty of the eighty-nine Canons which are called Apoſtolical, and ſixty-eight Canons of St. *Baſil*; and the Author of this new Addition or Collection, *Doviat* [3] believes to have been *Theodoret* Biſhop of *Cyrhus.* It is then manifeſt, that to the Reign of *Valentinian* III. neither the Eaſtern nor Weſtern Church knew any other Regulations, but thoſe which were collected into this Code.

AND 'tis worthy of Obſervation, that the Church, to this time, had no judicial Power and Juriſdiction, thoſe Regulations being only obligatory by the meer Dint of Religion, not by coercive Power; neither were Tranſgreſſors puniſh'd with Temporal Puniſhments, but with Cenſures and other Spiritual Chaſtiſements, which the Church could impoſe: Whence it was, that the Fathers of the Church, when they had finiſh'd a Council, wherein many Canons had been eſtabliſh'd, in order to their being obſerv'd by every body, being doubtful, that by the Circumſtances of theſe troubleſome and ſeditious Times, which were full of Factions, and particularly amongſt the Eccleſiaſticks themſelves, who often, notwithſtanding the Deciſions of the Council, would continue obſtinate in their Errors, were uſed to have recourſe to the Emperors, by whoſe Authority the general Council had been call'd, That they would be pleas'd to Ratify what had been eſtabliſh'd in the Council, and to command that it ſhould be obſerv'd by all. Thus, ſays *Euſebius* [4], did the Fathers of the Council of *Nice*, who obtain'd the Confirmation of their Decrees from *Conſtantine the Great.* And the Fathers of the firſt Council of *Conſtantinople*, had recourſe to the Emperor *Theodoſius the Great*, for confirming the Canons of it [5]. And the Emperor *Martianus* publiſh'd an Edict, by which he confirm'd all that had been done in the Council of *Chalcedon*, with its Canons [6]: and, generally, all the other Emperors, when they would have them to be effectually obſerv'd, uſed, by Means of their Conſtitutions, to command that they ſhould be obſerv'd, and gave them the Force of Laws, by inſerting them in their Conſtitutions, and publiſhing them with their Laws, which is clear from the *Theodoſian* Code, from the Collection of *Joannes Scholaſticus*, from the *Nomocanons* of *Photius*, and from what the other Princes of the Eaſt, and *Juſtinian* the Emperor order'd concerning them, which will be better known when we come to treat of the Actions of this Prince.

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[1] Conc. Chalced. Can. 1.

[2] Doviat. loc. cit. cap. 7.

[3] Ibid. cap. 8.

[4] Euſeb. in Vita Conſtant. lib. 3. cap. 18.

[5] Epiſt. Synodica. Socrat. Hiſt. Eccl. 8.

[6] Juſtel. in Præfat. ad Cod. Can. Eccl. Afric.

SECT. III.

Of the Cognizance of CAUSES.

THE Eccleſiaſtical State then, altho' it had been ſettled in ſuch Splendor by *Conſtantine*, and had acquir'd a moſt excellent external Polity, and had increas'd its Regulations, yet, nevertheleſs, in thoſe Days, and down to the Reign of *Juſtinian* the Emperor, it had not gone beyond the Bounds of its Spiritual Power, in what concern'd the Cognizance of Cauſes: It was yet confin'd to the Cognizance of the Affairs of Religion and Faith, wherein it judg'd by way of Polity; of the Reformation of Manners, wherein it determin'd by way of Cenſure; and of the Differences amongſt Chriſtians, wherein it decided in form of Arbitration and charitable Reconciliation.

THE Church had not yet acquir'd *Juſtitia Contentioſa*, nor Juriſdiction, neither had ſhe a Court of Juſtice, nor Territories in the Manner and with the Power ſhe poſſeſſes them at this Time over all *Chriſtendom*; ſince theſe depend not upon the Keys, neither are they properly of Divine Right, but rather of Human and Poſitive, proceeding chiefly from the Conceſſions or Permiſſions of Temporal Princes, as we ſhall ſhew clearly in the Progreſs of this Hiſtory.

THERE is a great Difference betwixt the Keys and the Sword, as alſo betwixt the Keys of Heaven, and Law Pleas which belong to Magiſtrates: And Divines are agreed, that the Delivery of the Keys, and the Power of Binding and Looſing given by Chriſt Jeſus our Lord to his Apoſtles, import only the Conferring of the Sacraments, and the moſt important Effect of Excommunication, which is the only Penalty the Eccleſiaſticks can as yet impoſe on themſelves and the Laicks, beſides injoining of Penance; but all that depends on penitential Juſtice, if we may ſo term it, and not purely on litigious [1]; or rather on Cenſure and Correction, than on abſolute Juriſdiction. The Sword implies a preciſe and formal Conſtraint, which depends properly on the Temporal Power of the Princes of the Earth, who, as St. *Paul* ſays, carry the Sword for Puniſhing the Wicked, and the Security of the Good. And really our Souls, over which the Eccleſiaſtical Power properly extends, are not capable of a preciſe Conſtraint, but only of being ſtirred up, which is properly *Perſuaſion*: Whence it is, that all the Fathers of the Church, *Chryſoſtom* [2], *Lactantius*, *Caſſiodorus*, *Bernardus*, and others, loudly proteſted, That the Power had not been given to them of hindering Men from committing Faults by the Authority of Decrees; *Non eſt nobis data talis poteſtas, ut authoritate Sententiæ cohibeamus homines a delictis*, ſays St. *Chryſoſtom* [3]; all their Power conſiſted only in exhorting, perſuading, and praying, but not in commanding. For which Cauſe it was thought neceſſary, that likewiſe the Princes of the World ſhould exerciſe their Power in the Church, that what the Prieſts could not perform by their Sermons and Exhortations, the Secular Power might do by Terror and Force [4].

'TIS in the Hands of the Princes of the Earth then that God has intruſted Juſtice; *Deus judicium ſuum Regi dedit*, ſays the Pſalmiſt: and the People of *Iſrael* asking a King from God, ſaid, *Conſtitue nobis Regem, qui judicet nos, ſicut cæteræ Nationes habent*. And when God gave to King *Solomon* the Choice of what he would have, he ask'd, *Cor intelligens, ut Populum ſuum judicare poſſet*; a Demand which was acceptable to God: Whence St. *Hieronymus* ſays, that *Regum proprium Officium eſt facere judicium & juſtitiam* [5]. In ſhort, in all the Sacred Hiſtory, Juſtice is always attributed to Kings, and never to Prieſts, at leaſt as

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[1] Cap. cum non ab homine, Extr. de Judic.

[2] Chryſoſt. 1. Timor. 33. tit. 17. Lactant. lib. 5. cap. 12. Caſſiod. lib. 2. Epiſt. 27. Bernar. Ser. 66. in Cantic.

[3] Chryſoſt. de Conſid. lib. 1.

[4] Can. Principes 23. qu. 5. Can. inter. 33. qu. 2.

[5] Can. Regum 23. qu. 5.

Prieſts: Our Saviour himſelf being intreated by a certain Man to make a Diviſion of an Inheritance betwixt him and his Brother, anſwer'd; *Homo quis me conſtituit judicem, aut diviſorem ſuper vos*[1]? And as to the Apoſtles, St. *Bernard Epiſt. ad Eugen.* ſays, *Stetiſſe Apoſtolos lego judicandos, judicantes ſediſſe non lego.* Neither had Prieſts, in theſe firſt three Ages, that ample litigious Juriſdiction which they have at preſent, excepting the three above-mention'd Cognizances, as we have ſhewn in the firſt Book.

AS little had they it in the fourth and fifth Centuries; foraſmuch as altho' the Empire was govern'd by Chriſtian Emperors, exepting only in Eccleſiaſtical Cauſes, the Prieſts themſelves were judged by the Secular Magiſtrates[2], as well in Civil as Criminal Cauſes, and were look'd upon likewiſe as Members of the Civil Society; and no Immunity was allow'd them, or any Exemption whatſover, neither by Divine Right, nor, to this Day, by the Laws of any Prince; conſequently they ought to be judged by the Secular Magiſtrates in Secular Cauſes. And indeed the Biſhops, accuſing one another in the Council of *Nice*, carried their Accuſations before *Conſtantine*, that he might judge them; altho' that Prince was pleas'd, for ending all Diſputes, to throw them all in the Fire. *Conſtantine* himſelf judged the Cauſe of *Cecilian*, and *Athanaſius* being accus'd of the Crime of High Treaſon, was by his Sentence condemn'd to Baniſhment. *Conſtantius*, his Son, order'd, that the Cauſe of *Stephen* Biſhop of *Antioch*, ſhould be tried in his Palace[3]; and being convicted, was, by his Order, depos'd by the Biſhops. *Valentinian* condemn'd *Cronopius*, a Biſhop, in a Fine, and baniſh'd *Urſicinus* and his Aſſociates, as Diſturbers of the publick Tranquillity[4]. *Priſcillanus* and *Inſtantius* were condemn'd for their Crimes and Obſcenities by the Secular Judges, as *Severus* teſtifies. The Secular Magiſtrates likewiſe judg'd in the Cauſes of *Fœlix Aptungitanus*, of *Cecilianus*, and of the *Donatiſts*[5]: And the Biſhops of *Italy* had recourſe to *Gratian* and *Valentinian*, intreating they would be pleas'd to judge *Damaſus* whom they accuſed.

NEITHER was there any Alteration in Civil Cauſes in theſe Centuries; it being evident, that when the contending Parties were not willing to acquieſce to the Judgment of the Biſhops, who were wont to be requir'd as Arbitrators to make up Matters, but would, by all means, plead and have a poſitive Sentence, they were to have recourſe to the *Rectores* of the Provinces, and other Secular Magiſtrates, and to inform them of the Awards, and ſet forth their Caſes and Exceptions, as the *Theodoſian* and *Juſtinian* Codes clearly make appear[6]; and when they were cited before any of theſe Tribunals, they were to give Bail *Judicio Siſti*[7].

IN the extravagant and apocryphal Title *de Epiſcopali Judicio*, which was put in a ſuſpicious Place, to wit, in the very End of the *Theodoſian* Code, we read of a Conſtitution[8] of *Theodoſius*, *Valentinian*, and *Arcadius*, by which it ſeems as if the Cognizance of Cauſes amongſt Eccleſiaſticks had been given to the Biſhops, and likewiſe that they were not oblig'd to plead any where elſe, but before themſelves: But altho' that Law may be ſuſpected of Forgery, as *Gotifredus* demonſtrates at length, and all the Learned take for granted, yet the Prieſts can reap no Benefit from it, ſince in expreſs and preciſe Words, there's nothing treated of in that Law but Eccleſiaſtical Cauſes, the Cognizance of which the Church always had by way of Polity; theſe are the Words of it; *Quantumque ad Cauſas Eccleſiaſticas pertinet.* *Gratian*[9], who did not like this, left it out altogether, and by his Decree, diſmember'd the Law, and chang'd its Senſe; this was not a new Thing in this Compiler, as we ſhall find elſewhere on other Occaſions. *Anſelm*[10], on this Law, was guilty of the like Artifice, if not greater in Matters of more Importance, which appear'd afterwards.

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[2] Luk. 12. Apoſt. ad Roman. 12. Irenæus, lib. 5. cap. 20. Origen. Epiſt. ad Rom.

[2] Chryſoſt. Homil. 23. in epiſt. ad Roman. Ambroſ. in Luc. lib. 4. cap. 5. Auguſt. in Joan. tract. 6. Gelaſ. epiſt. 8.

[3] Theodoret. lib. 2. cap. 9.

[4] L. 2. C. Th. Quorum appel.

[5] Du Pin, diſſ. ult. §. ult.

[6] L. 33 & 37 C. Th. de Ep. & Cler. L. ſi quis, C. de Epiſc. audient. Novel. Valent. 3. tit. 12. de Epiſc. Judic.

[7] L. omnes 33. C. de Epiſc. & Cler.

[8] L. 3. Extrava. de Epiſc. Judicio.

[9] C. continua 5. 11. qu. 1.

[10] Anſelm. lib. 3. cap. 109. & Pol. 1. tit. 19.

THE Eccleſiaſticks alledge ſome other Conſtitutions of the ſame Kind, and many Canons againſt a Truth ſo well known; but *Du Pin*[1], a great Divine of *Paris*, anſwers them at length and to the purpoſe, and better than any Perſon whatſoever, demonſtrates, that the Clergy, as well in Matters Civil and Politick, as in Criminal Cauſes, were not, by Divine Right, exempted from the Secular Power, nor from Tribute, nor Puniſhment; but in Proceſs of Time, by the Favour of the Emperors and Princes, they did acquire Immunity in ſome Caſes; which ſhall be clearly ſhewn in the Courſe of this Hiſtory.

THUS it is, that the Church, to this Time, had not acquir'd that complete Judicial Power, which the Laws call Juriſdiction, over her Prieſts, and much leſs over Laicks; neither had ſhe as yet what the Civilians call *Jus Terrendi*[2], and conſequently no complete Juriſdiction, nor a diſtinct coercive Power; neither were her Judges Magiſtrates, who could pronounce theſe three eſſential Words, *Do, Dico, Abdico*; for which Reaſon ſhe could not, by her own Authority, impriſon her Eccleſiaſticks, as in *Frauce* to this Day it cannot be done without imploring the Aſſiſtance of the Secular Power[3]. And becauſe by Cuſtom it was at firſt tolerated, and afterwards introduc'd, that the Eccleſiaſtical Judge could impriſon thoſe who were within the Limits of his *Auditorium*, ſo call'd in thoſe Days, which *Boniface* VIII. quickly raiſed higher by a Decretal which he publiſh'd, giving Power to the Biſhops of placing their *Auditoria* where-ever they thought fit, and conſequently to impriſon every where; which Deed, becauſe it could not be conceal'd, was the Occaſion, that the ſaid Decretal in many Places was not obſerv'd; and in *France*, as *Lemetre* teſtifies[4], the contrary is practis'd: In fine, the Eccleſiaſticks had no Priſon before *Eugen.* I. his Time, according to *Volateranus*[5].

BESIDES, 'tis certain, that in theſe Ages, the Church had no Power of inflicting Corporal Puniſhments, of Baniſhment, much leſs of Mutilation of Members, or of Death: and in the more heinous Crimes of Hereſy, it belong'd to the Princes to puniſh the Delinquents with Temporal Puniſhment, and for keeping their Dominions in Peace and Tranquillity, and purging them of thoſe ſeditious People, who diſturb'd the Quiet of the Commonwealth, they eſtabliſh'd many Edicts, wherein they ſet down the Penalties and Puniſhments due to their Crimes: of which Laws, the Books of the *Theodoſian* and *Juſtinian* Codes are full. Neither could the Judges of the Church in thoſe Days condemn in pecuniary Mulcts[6]; and the Reaſon was, becauſe ſhe had no coercive Power[7], and, according to the *Roman* Laws, the Magiſtrates only, who had full coercive Power, could impoſe Fines[8]; but afterwards, altho' the Church had neither coercive Power nor Exchequer, yet ſhe took upon her to do it, and applied the Fine to ſome pious Uſe, giving it to Monks, Priſoners, or for building of Churches; concerning which we ſhall have a new Motive for Reaſoning.

IT cannot then be doubted, but that all that the Church has at this Time of complete Juriſdiction, depends on the Favour and Conceſſion of Princes. Some have believ'd, that theſe Conceſſions begun from *Conſtautine the Great*, who gave her Peace and Increaſe: They believ'd, that this Prince, by one of his extravagant Conſtitutions, which we ſee inſerted in the End of the *Theodoſian* Code[9], had eſtabliſh'd, that the guilty Perſon, or the Plantiff, either as to the whole or any part of the Cauſe, could demand to have it referr'd to the Biſhop; and that it could not be deny'd him, altho' the contrary Party ſhould thwart and contradict it: And laſtly, that no Appeal ſhould be made from the Biſhop's Sentence, and that preſently without delay, and notwithſtanding any Impediment, the Ordinary Magiſtrates were to put it in Execution; which if true, the Temporal Juriſdiction would be altogether uſeleſs, or at leaſt would only ſerve for executing the Commands of the Eccleſiaſticks.

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[1] Du Pin. diſſ. ult. §. ult.

[2] L. Pupillus, §. territorium, D. de verbor. ſignif.

[3] Jo. Galli, qu. 103, 245, & 276. Lemetre tract. de Appel. cap. 5. Loyſ. des Sign. c. 15.

[4] Lemetr. de Appell. cap. 5.

[5] Volater. lib. 22.

[6] Cap. 1. de Dolo & Contum. cap. licet de Pœnis, cap. irrefragab. §. ult. de Offic. Ordin.

[7] Loyſeau, loc. cit.

[8] L. aliud eſt fraus, §. inter pœnam de Verb. Signif. lib. 1. ſi qu. jus dicenti non obtem. & tot. tit de mod. mult.

[9] L 1. C. Th. de Epiſc. Judic.

THERE was a Time, when this truly extravagant Conſtitution was reputed genuine, by a Part of it being foiſted into the *Capitularia* of *Charles the Great* [1], and likewiſe into the *Breviaria* of the *Theodoſian* Code; and *John Selden* [2], becauſe he found it in an ancient Manuſcript of *William* the Monk of *Malmesbury*, believ'd it to be truly *Conſtantine*'s.

OTHERS did not attribute it to *Conſtantine*, but to *Theodoſius the Younger*, ſuch as *Innocentius* [3], *Gratianus* [4], *Ivo*, *Anſelmus*, *Palermitanus*, and the other Compilers of Decrees, being induc'd ſo to do, by ſeeing, in the Frontiſpiece of ſome Manuſcript Codes, this Inſcription; *Arcad. Honor. & Theodoſ.*

BUT 'tis made manifeſt by able and grave Writers, to have been forg'd and contriv'd, juſt ſo as the Donation of the ſame *Conſtantine* had been [5]. *Gotifredus* [6] has demonſtrated the Falſity of it by a hundred Proofs, ſo that one muſt want Eyes to be able to doubt of it: 'Tis added to the *Theodoſian* Code in a ſuſpicious Place, to wit, in the very End of it, intitled thus, *Hic titulus deerrabat a Codice Theodoſiano*; it has neither Conſul nor Date, and, quite contrary to many other Conſtitutions, inſerted in the ſame Code: 'Tis not put in the *Juſtinian* Code, neither is there any mention made of it by the Writers of the Eccleſiaſtical Hiſtory.

THOSE who attribute it to *Theodoſius* have miſtaken it very widely, whoſe true Law [7] follows this forg'd Conſtitution; foraſmuch as that this true Law is quite in Oppoſition to it, in which it is determin'd, that Biſhops ought not to take cognizance but of Matters of Religion; and that all other Proceſſes of the Eccleſiaſticks ſhould be determin'd and judg'd by the ordinary Judges: And 'tis not to be thought, that *Theodoſius* would have inſerted in his Code a Law quite contrary to one of his own. Beſides the Laws of the other Emperors reported in this Code, altho' made in Favour of the Church, yet they don't attribute ſuch Juſtice to her, and eſpecially the *Novella* [8] of *Valentinian* III. is directly contrary, which ſays, that according to the Laws of the Emperors, the Church hath no Juriſdiction, and according to the *Theodoſian* Code ſhe cannot take Cognizance but in Matters of Religion.

BUT beſides the true Laws of *Theodoſius* above-mention'd, we ſee in the Reigns of *Arcadius* and *Honorius*, that the Church only had her primitive Right of judging by way of Arbitration, and even that was diſputed with her, whence they publiſh'd a Law for continuing that with her, of which theſe are the Words: *Si qui ex conſenſu apud ſacræ legis Antiſtitem litigare voluerint, non vetentur, ſed experientur illius, in civili duntaxat negotio, more arbitri ſponte reddentis judicium* [9]. And the Practice of the Church in thoſe Ages was, that the Biſhops were employ'd as Arbitrators in agreeing of Law-Pleas, which were brought before them by the Conſent of Parties, as *Baſil* [10] witneſſeth; as alſo *Gregorius Neocæſarienſis*, *Ambroſius*, *Auguſtinus*, and the Writers of the Eccleſiaſtical Hiſtory *Socrates* and *Nicephorus* [11]. Which continu'd a long Time even to the Reign of *Juſtinian*, who was the firſt that augmented the Power of Cognizance in the Biſhops by his *Novellæ*, as we ſhall ſee in the ſixth Century: Since in the End of the Reign of *Valentinian* III. where we now are, it is certain, that the Biſhops had neither Court of Juſtice, nor coercive Power; neither could they meddle in any other Cauſes, but in what concern'd Religion, neither with reſpect to the Clergy nor Laicks, as *Valentinian* himſelf aſſures us by a moſt remarkable *Novella* [12], of which theſe are the principal Words; *Quoniam conſtat Epiſcopos forum legibus non habere, nec de aliis cauſis, quam de Religione poſſe cognoſcere, ut Theodoſianum Corpus oſtendit; aliter eos judices eſſe non patimur, niſi voluntas jurgantium ſub vinculo compromiſſi procedat, quod ſi alteruter nolit, ſive Laicus, ſive Clericus ſit, agent Publicis legibus, & jure communi*; adding that the Clergy could be cited before the Secular Judge; which was certainly the Law and the Practice before *Juſtinian*, as may be ſeen in many Laws of his Code [13]: And this only Privilege was given to the Eccleſiaſticks, that they were not oblig'd to go from

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[1] Capitul. Car. M. lib. 6. cap. 281.

[2] Selden. in uxor. Hebr. lib. 3. c. 28. p. 564. & de Synod. lib. 1. cap. 10. p. 318.

[3] Inn. c. novit. 13. de Judic.

[4] Grat 11. qu. 1. cap. 35, 36, 37.

[5] Loyſeau de ſign. cap. 15.

[6] Got. tom. 6. in fin. C. Th. l. 1. Epiſ. judic.

[7] L. 3. de Epiſc. judic.

[8] Novell. Valent. de Epiſc. judic.

[9] L. 7. de Epiſ. audient.

[10] Baſil. cap. 247.

[11] Gregor. Niſſ. invita Gregor. Neocæſar. Ambroſ. Ep. 24. & lib. 2. Offic. c. 24. Auguſt. in Pſalm. 118. & lib. de Oper. Monac. cap. 20. homil. de Pœnit. 50. cap. 12. & Ep. ad procul. Donatiſtam Ep. 147. Socrat. lib. 7. cap. 36. Niceph. lib. 14. cap. 39.

[12] Novel. 12. Valent.

[13] L. cum Clericis, L. omnes 33. C. de Epiſc. & Cler.

Home or their Place of Abode to plead; and in the Provinces they could not be ſummon'd before any other Judge but the *Rector* of the Province, as at *Conſtantinople* before the *Præfectus Prætorio*.

THUS it is, that as to what belong'd to the Cognizance of Cauſes which the Church had, nothing was alter'd in theſe Times of what had been practis'd in the firſt Three Centuries: Neither had the Biſhops of theſe our Provinces, a Court of Juſtice nor coercive Power, neither was there any Alteration made in theſe Matters, nor in the Political and Temporal Affairs of the Eccleſiaſtical State to this Time; but were reſtricted to the Cognizance of Religious Cauſes, which were judged by way of Polity, and to the two other Occurences above-mention'd: All the Juriſdiction and Power being in the Civil Magiſtrates, to whom, as well Prieſt as Laick had their recourſe both in Civil and Criminal Cauſes, without any Exception.

BUT altho' the Civil State ſuffer'd no Alteration by theſe Matters; nevertheleſs it was not without ſome Diſorders in theſe very Times, occaſion'd by the Acquiſition of Temporal Poſſeſſions, which, ever and anon, by the Piety of the Faithful, or rather the too great Avarice of the Clergy, were given to the Eccleſiaſticks and the Churches.

Loyſeau de ſign. cap. 15.

SECT. IV.

Of TEMPORALITIES.

WHOEVER names Religion, names Riches, ſays our *Scipio Ammiratus*[1], who was a Canon in *Florence*; and the Reaſon is ready, which he adds, Becauſe Religion being an Account which is kept with God Almighty alone; and Mortals ſtanding in need of a great many Things from Him, are either thanking Him for the good Things receiv'd, or the Evil they have eſcap'd, or praying that ſuch Things may not befall them, and that other Things may proſper well; it neceſſarily follows, that out of Gratitude we ſhould be careful to beſtow a Part of our Riches, not on him, who being Lord of the Univerſe, hath no need of any Thing from us, but on his Temples and their Prieſts. As ſoon as *Conſtantine* had given Peace to the Church, and our Religion could be profeſs'd openly every where, Temporal Riches began to increaſe. Before *Conſtantine*, our Churches being reputed a kind of unlawful Aſſemblies, could not acquire any thing by Legacies, no more than the Community of the *Jews* and other Societies, which had no Right ſo to do[2].

THESE Bodies were deem'd uncertain, ſo of courſe the Legacies left to them could not take Effect. In the Time of S. *Mark*[3] there was a *Senatus Conſultum* made, by which there was Liberty given of leaving to Colleges, and other Communities, whatever People pleaſed[4]: By which the former Rigour was relax'd; and altho' our Churches, as unlawful Societies, could not be comprehended within the Meaning of the *Senatus Conſultum*; for all that, we ſee, that in the third Century, whether it was by Allowance or Connivance, they began to have Poſſeſſions. But no ſooner had *Conſtantine* in the Year 312. embrac'd the Chriſtian Religion, making it not only lawful, but our Colleges venerable and commendable, than the Churches abounded with Temporal Riches. And that there might ariſe no doubt about that Matter, and that he might excite the Liberality of the Faithful in leaving Legacies to them, he publiſh'd an Edict in the Year 321. which he directed to the People of *Rome*; by which he gave all Perſons liberty to leave by Teſtament whatever they pleaſed to the Churches, and eſpecially to that of *Rome*[5]. Thus *Conſtantine* deſerv'd ſo well of the Chriſtian Religion, by inriching our Churches; and not only after this manner, but likewiſe order'd, that all the Poſſeſſions which belong'd to them, and which in the Reigns of *Diocleſian* and *Maximianus*, had been taken from them, ſhould be reſtor'd to them again; for which end he publiſh'd another Edict mention'd by *Euſebius*[1]. Moreover he ordain'd, that the Eſtates of the Martyrs, if they had not left Heirs, ſhould be given to the Churches, as the Author of his Life affirms[2].

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[1] Ammirat. in his Opuſc. diſc. 7.

[2] L. 2. D. de Colleg. L. 1. C. de Judæis. L. 8. C. de Hæred. inſtit.

[3] V. Ritter. LI. XII. tab. de Coll. Jur. cap. 8.

[4] L. 20. D. de reb. dub.

[5] L. 4. C. Th. de Epiſ. & Cler. l. 1. C. Juſt. de SS. Eccl.

BUT as this Prince, by the new Diſpoſition which he gave to the Empire, was reputed rather a Deſtroyer of the Ancient, than the Maker of a new One; So likewiſe he was thought by many, to have done harm rather than good to the Church, by inriching her ſo much; ſince in proceſs of Time the Eccleſiaſticks by their Covetouſneſs of Riches, brought Matters to ſuch a paſs, that beſides neglecting their own Duty, they thought of nothing elſe but of pilling and robbing the Inheritance of the Dead, and were the Cauſe of many Abuſes and great Diſorders, which were brought upon the Commonwealth upon that Account: So that the Princes who ſucceeded *Conſtantine* were oblig'd to put a Stop to ſo great Licentiouſneſs.

S. *Jo. Chryſoſtom* in his Time deplor'd theſe Abuſes, and lamented, that from the Riches of the Churches there aroſe two Evils; the one, that the Laicks left off giving of Alms; the other, that Eccleſiaſticks neglected their own Duty, which is the Care of Souls, and became Sollicitors, Stewards, Toll-Maſters, exerciſing Things unbecoming their Vocation.

FIFTY Years were not yet expir'd, from the Time that *Conſtantine* publiſh'd theſe Laws, when by the Avarice of the Eccleſiaſticks, always watchful to take Advantage of the Simplicity of the Women, *Valentinian the Elder* was forc'd in the Year 370. perhaps at the Requeſt, as ſome have ſuſpected, of *Damaſus* Biſhop of *Rome*, to put forth a Law[3], by which he prohibited the Prieſts and the Monks, under ſevere Penalties, to take either by Teſtament, or any other Deed amongſt the Living, the Goods of Widows, Virgins, or any other Woman whatſoever, forbidding them to converſe with them, as they were in uſe to do too freely; againſt which Cuſtom *Ambroſius* and *Hieronymus* likewiſe declaim'd: And this Law, beſides its being directed to *Damaſus*, was alſo proclaim'd in all the Churches of *Rome*, that it might be inviolably obſerv'd. *Valentinian* extended this his Conſtitution to the Biſhops and Virgins conſecrated to God, whom with the other Clergy and Monks, he forbad to make ſuch Acquiſitions[4].

TWENTY Years after, on the ſame Account, *Theodoſius the Great* was forc'd to publiſh another ſuch Law[5], by which it was forbidden the *Diaconeſſes*, on account of their overmuch Converſation which they had with the Eccleſiaſticks, to leave their Goods to the Monks or the Clergy on any pretence whatſoever; beſides this Prince likewiſe prohibited the ſame *Diaconeſſes* to make the Churches, or even the Poor, their Heirs, which *Valentinian* durſt not do: Altho' *Theodoſius* two Months after revok'd in Part his Law, allowing the *Diaconeſſes*[6] the Power of leaving their Moveables to whom they pleas'd: Albeit the Emperor *Martianus* in his *Novella*[7] reckon'd that *Theodoſius* had wholly revok'd his Law, as at laſt he was willing to do himſelf; concerning which ſee *Gotifredus* his excellent Commentaries[8].

THE Fathers of the Church in thoſe Days did not complain of theſe Laws, nor of the Power which the Princes had of making them; neither did it ever enter into their Thoughts, that the Immunity or Liberty of the Church ſuffer'd thereby; ſuch Language was never heard or known in thoſe Times, but were only griev'd for the Cauſes which produc'd ſuch Effects, and which mov'd theſe Emperors to make them, to wit themſelves, and the too great Avarice of the Eccleſiaſticks that had occaſion'd them: Behold how S. *Ambroſe* ſpeaks of it[9], *Nobis etiam privatæ Succeſſionis emolumenta recentibus legibus denegantur, & nemo conqueritur. Non enim putamus injuriam, quia diſpendium non dolemus, &c.* S. *Hieronymus* ſpeaks more clearly[10] writing to *Nepotianus*: *Pudet dicere, Sacerdotes Idolorum, Mimi, & Aurigæ, & Scorta hæreditates capiunt, ſolis Clericis, ac Monachis hac lege prohibetur: & non prohibetur a Perſecutoribus, ſed a principibus*

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[1] Euſeb. lib. 10. cap. 1. Socrat. lib. 1. Sozomenus, Eutorp. & alii.

[2] Auth. vitæ Conſt. lib. 2. cap. 20.

[3] L. 20. C. Th. de Epiſ. & Cler.

[4] L. 21. C. eod. tit.

[5] L. 27. C. Th. de Ep. & Cl. Soz. l. 7. c. 16.

[6] L. 28. C. Th. eod. tit.

[7] Martian. Novel. de Teſtam. Cl. ult.

[8] Got. l. 28. C. Th. eod. tit.

[9] Ambroſ. libel. ad rer. relat. Symac.

[10] Hier. Ep. 2. ad Nepot. de vit. Cler.

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Chriſtianis. Nec de lege conqueror, ſed doleo cur meruerimus hanc legem. Cauterium bonum eſt, ſed quo mihi Vulnus, ut indigeam Cauterio? Provida, ſecuraque legis cautio: & tamen nec ſic refrœnatur avaritia, per fidei commiſſa legibus illudimus, &c. Thus it was, that in theſe Times it belong'd to the Juriſdiction and was in the Power of Princes to remedy thoſe Abuſes, and to give Liberty to, or put a Reſtraint upon the Acquiſition of the Temporal Goods of the Church, as they ſaw convenient for the Good of their State. Which in the Ages leſs diſtant from us all over *Europe* by other Princes was commendably, and without any Imputation of Indiſcretion, imitated. Thus *Charles the Great*, of Glorious Memory, practis'd in *Saxony*; and in *England*, *Edward* I. and III. and *Henry* the Vth[1]. The ſame was obſerv'd in *France* by S. *Lewis*[2], which is a Thing very remarkable; and afterwards ſucceſſively confirm'd by *Philip* III. *Philip the Fair*, *Charles the Fair*, *Charles* V. *Francis* I. *Henry* II. *Charles* IX. and *Henry* III. And we have a Decree in *Papinian*[3], by which the Parliament of *Paris* inhibited the *Carthuſians* and the *Celeſtins* from making any new Acquiſitions. In *Spain*, *James* King of *Arragon* made the like Laws in the Kingdoms ſubject to that Crown; the ſame was practis'd in *Caſtile*, *Portugal*, and all the other Kingdoms of *Spain*, which *Narbona* and *Lewis Molina* teſtify[4]; and in ſeveral Places of *Germany* and *Flanders*, the like Statutes were obſerv'd. In *Holland*, Count *William* III. by his Edict in the Year 1328. ſtrictly prohibited the ſame[5]. And it was done in *Italy*, *Venice*, and *Milan*[6]: Neither is there any Province in *Europe* in which the Princes did not claim it as belonging to them, and in their Power to make ſuch Laws within their own Dominions.

THE Churches in the Provinces, of which our Kingdom of *Naples* is compos'd, if we conſider the Time that paſs'd betwixt the Reign of *Conſtantine*, and that of *Valentinian* III. which all that time were ſtill building by the Biſhops in *Naples* and the other Cities, made no conſiderable Acquiſitions: And by looking on them it may clearly be perceiv'd, that they can alledge no other Title, but what they owe to the Conceſſions made them by the *Longobard* or *Norman* Princes, who were more profuſe than the reſt; or laſtly, by the Princes of *Suevia* or *Anjou*. The Monaſteries began to be conſiderable by their Acquiſitions, in the Beginning of the Reign of the *Longobards*; and altho' S. *Benedict* in the Reign of *Totila*, was the firſt who brought them into *Italy*; nevertheleſs that of *Monte Caſino* in *Campania* was not much inrich'd, until the Time of the *Longobard* Kings: But in Proceſs of Time the Number of Churches and Monaſteries multiplied in ſuch a manner in theſe our Provinces, and their Acquiſitions were ſo exceſſive, that there was neither City nor Caſtle, ſmall or great, that was not ſwallow'd up by them. Such Exceſs in the Time of the Emperor *Frederick* II. was ſuppreſs'd by a Law, which at this Day is to be ſeen in our Conſtitutions[7]; by which, imitating, as he ſays, the Footſteps of his Predeceſſors, perhaps meaning the Emperors; or, which is more likely, the *Norman* Kings his Predeceſſors, whoſe Conſtitution on that Head is now loſt; he prohibited immoveable Eſtates to be acquir'd by the Church. But in the Time of the Princes of *Anjou*, other Maxims were introduc'd among us, which taught, that Princes could not remedy thoſe Abuſes: For which Cauſe the Conſtitution of *Frederick*, was reputed impious and injurious to the Churches, and the former Diſorders prevail'd; and if Things had been confin'd within theſe Bounds, it might have been tolerable; but afterwards the Churches and the Monaſteries were ſeen to abound in ſo great Lordſhips and Riches, and in ſuch Numbers, that it would have coſt but a very little more trouble, to have ſwallow'd up that ſmall Reſidue, which continues in the Poſſeſſion of the Laicks: But of this we ſhall ſpeak more opportunely in the following Books; what hath been ſaid hitherto of the Eccleſiaſtical Polity of theſe our Provinces during the Fourth and the half of the Fifth Century, may ſuffice.

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[1] Pet. Greg. de Repub. lib. 13. c. 16. Polyd. Virg. lib. 13. hiſt. Anglic.

[2] Pap. l. 1. Rhapſod. ar. 7. art. 3.

[3] Narbon. lib. 35. Gl. 5. num. 30. tit. 3. lib. 1. nov. recompil. Molina de contr. tit. 2. D. 140. l. 2. l. 8.

[4] Gail. lib. 2. obſerv. 32. num. 5. Chopin. de Daman. Franc. lib. 1. tit. 14. Chriſtin. tom. 1. deciſ. 201.

[5] Brant. 1. hiſt. de Reform. 1. p. 25. Ant. Matth. manud. ad jus Can. lib. 2. tit. 1. Bodin. de Rep. lib. 5. cap. 2.

[6] Boſſius de Pœnis num. 43. Signorol. de Homedeis conſ. 21. Statut. Civit. Mediol. nov. compil. tit. de Pœn. Colleg.

[7] Conſtit. Regn. de Reb. ſtab. Eccl. non alienand.

8

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK III.

THE ſundry Civil Commotions, the great Changes in the State, and the Viciſſitude of the *Roman* Juriſprudence, which fell out betwixt the Death of *Valentinian* III, and the Reign of the Emperor *Juſtin* II. ſhall be the Subject of this Book. We ſhall relate the Events of a Century, in which *Italy*, and theſe our Provinces, that make up at preſent the Kingdom of *Naples*, ſaw new Lords, ſtrange People, and new Laws. Hitherto they knew no other Magiſtrates nor other Laws, but thoſe of the *Romans*: henceforward they ſhall ſee themſelves mixed with thoſe of Foreign Nations, who, altho' *Barbarians*, deſerve nevertheleſs to be commended, not only on Account of their many and remarkable Vertues, but likewiſe becauſe they were ſo obſequious to the *Roman* Laws, and honoured them ſo much, that they not only durſt not revile them, but with extreme Moderation, contrary to the Laws of Victory, by which the Vanquiſh'd become ſubject to the Laws of the Victor, retain'd them. Therefore the Reader muſt not expect, that being to treat in this and the following Books, of the *Goths*, *Longobards*, and *Normans*, who have all the ſame Origin, I ought, as many have done, to treat them as inhuman, fierce, and cruel, and to term their Laws impious, unjuſt, and rude, as they are, for the moſt part, reputed by our Writers. In the Exploits of their Princes, Piety, Juſtice, and

Temperance will ſhine no leſs than Fortitude and Magnanimity; and their Laws and Cuſtoms, altho' they cannot be compar'd to thoſe of the ancient *Romans*, ought not however to be thought to come ſhort of thoſe of later Times, while the Empire was declining, when the Condition of a *Roman* became more vile and abject, than that of thoſe who were reputed *Barbarians* and Strangers.

BEING firſt of all to treat of the *Goths*, it is not to my Purpoſe to trace them back to their Origin, or to enquire from what part of the North they broke out, to over-run theſe our Countries. There are not wanting Writers, who have given Account of their Origin, their Progreſs, and their Conqueſts over various Regions of *Europe*; and the laſt was the incomparable *Hugo Grotius* [1], who treats of it with ſo much Exactneſs and Dignity, that he eclipſes all others: Nevertheleſs, it will be very neceſſary to diſtinguiſh, with Perſpicuity, the Eaſtern *Goths* from the Weſtern; ſince ſome of our Authors, by doing it confuſedly and not diſtinctly, have likewiſe confounded their Laws and Cuſtoms, by aſcribing to one, that which belonged to the other, as ſhall be clearly ſhewn in the Courſe of this Book.

THE Origin of their Name is not very obſcure: For their Hoſpitality and Courteſy to Strangers, they were very famous and renown'd; even before they had embrac'd the Chriſtian Religion, amongſt the *Germans* they acquir'd the Appellation of Good; *Boni*, ſays *Grotius* [2], *Germanis ſunt Goten, aut Guten*: Whence it came, that afterwards they were call'd *Goti* by all the other Nations of *Europe*. They were divided according to the Situations of the Countries which they inhabited, into Eaſtern *Goths* or *Oſtrogothi*, and into Weſtern or *Weſtrogothi*, which the *Latins* corruptly call'd *Viſigothi*. Thoſe who inhabited the Countries which lay more to the Eaſt, towards the *Euxine* Sea, as far as the River *Tyras*, and who afterwards, by the Permiſſion of the Emperors of the Eaſt, had *Pannonia*, *Thracia*, and laſtly *Illyricum* for their Habitations, were call'd *Oſtrogothi*; and were govern'd by Princes of the Houſe of *Amali* no leſs ancient than Illuſtrious, whence *Theodoricus Oſtrogothus*, who govern'd theſe our Provinces, deriv'd his Pedigree. The others, whoſe Countries lay towards the Weſt, and who, in the Reign of *Honorius*, govern'd *Aquitaine* and *Narbonne*, and afterwards many Provinces of *Spain*, were called *Weſtrogothi*; thoſe were commanded by Princes of the Houſe of the *Balti*; a Family likewiſe illuſtrious, but inferior to that of the *Amali*, who bragg'd of its Nobility: *Toulouſe* was their Seat, the Capital of the Province, which Country, on Account of their Reſidence, is ſince call'd *Gaſcony*, which in their Language ſignifies the Country of the Weſtern *Goths* [3], altho' others ſay, that it had the Name of *Gaſcony* from a People of *Spain*, who having paſſed the *Pyrenean* Mountains, poſſeſſed that Province.

CHAP.

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[1] Grot. in Prologom. in Hiſt. Got.

[2] Grot. in Prolegom. pag. 13.

[3] Paulus Æmilius, de Reb. Franc. lib. 1.

CHAP. I.

Of the Weſtern GOTHS, *and their* LAWS.

THE *Weſtrogoth* Princes, of the Family of the *Balti*, under the Empire of *Honorius*, having been firmly eſtabliſh'd in *Aquitaine* and many other Cities of *Narbonne* by this Prince, fix'd their Reſidence in *Toulouſe*, whence they were afterwards call'd Kings of *Toulouſe*. They, with all their Might, endeavour'd to extend their Dominion over the other Provinces of *Gallia* and *Spain*, which were ill uſed and oppreſſed by the *Vandals*. *Vallia*, who ſucceeded *Rigericus*, Succeſſor of *Ataulfus*, as we have ſaid in the preceding Book, triumph'd frequently and ſucceſsfully over them in *Spain*, and gave them many terrible and memorable Routs. *Vallia*, after having gain'd ſo many Victories over the *Vandals*, died in *Toulouſe* in the Year of Chriſt 428, and *Theodoricus* ſucceeded him in the Kingdom [1]. Writers differ about the Name of this Prince; *Gregory* of *Tours* [2] calls him *Teudus*; *Iſidore*, *Teudoridus*; *Idacius*, *Theodorus*; but we, according to *Jornandes* [3], the more ancient Writer, and the moſt accurate in the Affairs of the *Goths*, with *Alteſerra* [4], ſhall call him *Theodoricus*. This Prince reign'd in *Aquitaine* twenty three Years, a valiant and excellent Captain, who, in the Fields of *Chalon*, fighting againſt *Attila*, gave ſignal Proofs of his Valour: he was grievouſly wounded in this Battle, and being thrown from his Horſe was ſadly bruiſed, and died ſoon after. He left behind him ſix Sons, *Torriſmond*, *Theodorick the Younger*, *Frederick*, *Evarick*, *Rotemerus*, and *Aimerick*, and one Daughter, whom he gave in Marriage to *Hunnerick* Son of *Gizerick* King of the *Vandals*.

Torriſmond ſucceeded in the Kingdom, who, altho' he was in the Battle againſt *Attila* with his Father, and had been wounded in it, no ſooner heard of the Death of his Father, than he immediately returned to *Toulouſe*, where, with univerſal Acclamation, he was ſet on the Throne [5]. The Reign of this Prince was of ſhort Duration, and if we may believe *Iſidore*, it was only of one Year; for, by the Means of *Theodorick* and *Frederick* his Brothers, who were uneaſy under his Government, he was cruelly murdered [6].

Theodorick the Younger, his Brother, ſucceeded him in the Kingdom: A Prince, according to *Sidonius Apollinaris* [7], indued with noble and excellent Virtues; and altho' the Genius of the *Weſtrogoths* was ill ſuited to the *Roman* Laws, contrary to that of the *Oſtrogoths*, who had them always in great Eſteem and Veneration, yet nevertheleſs *Theodorick* II. was a great Lover of them, and prized them exceedingly.

THE *Weſtrogoths*, on Account of the continual Wars which they had with the *Romans*, were not a little averſe to the *Roman* Laws; ſo much, that *Claudian* ſpeaking of their Times, ſaid [8], *Mærent captivæ pellito judice Leges.* *Ataulfus* their King, as we have ſaid, ſucceeded to *Alarick* I. who by the Fierceneſs of his Temper, had already determin'd to extirpate them altogether; but being ſoften'd by the continual Perſuaſions and Exhortations of his ſo much beloved Wife *Placidia*, he was diſſuaded from it, and changed his Mind; and tho' his *Goths* did not bear it patiently, yet he confeſſed, as *Oroſius* teſtifies, That without theſe Laws, the Commonwealth could not be rightly maintain'd, ſo that he could not find in his Heart to aboliſh them altogether; *Neque Gothos*, ſays he, *ullo modo parere legibus poſſe, propter effrœnatam Barbariem, neque Reip. interdici leges oportere, ſine quibus Reſp. non eſt Reſpublica*: Whence he tells us [1], that this Prince, in the Year 412, by a publick Edict, commanded his Subjects to obſerve the *Roman* Laws together with the Cuſtoms of the *Goths*. *Godaſtus* [2] relates, the Edict among the Imperial Conſtitutions, but we ſee it conceiv'd in the ſame Words of *Oroſius*, and many Things added in it, which are not in that Author.

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[1] Paul. Æmil. loc. cit.

[2] Greg. l. 2. Hiſt. Franc. cap. 7.

[3] Jornand. de Reb. Getic. cap. 24.

[4] Alteſ. Rer. Aquit. lib. 5. cap. 12.

[5] Jornand. de Reb. Getic. cap. 41. Paul. Æmil. loc. cit.

[6] Alteſ. loc. cit. cap. 13.

[7] Sidon. lib. 1. ep. 2.

[8] Claud. lib. 2. ad Rufin.

BUT the Study of the *Roman* Laws was in ſuch Eſteem with *Theodorick the Younger*, of whom we are treating, that *Sidonius Apollinaris* [3], introducing him in his Verſes ſpeaking with *Avitus*, makes him ſay thus;

- - - - - - - *Mihi Romula dudum*
Per te jura Placent.

And elſewhere [4] he calls this *Theodorick*, - - - - - *Romanæ columen, ſaluſque gentis.* And *Claudian*, ſpeaking of this Prince, as *Grotius* obſerves [5], ſays, *Vindicet Arctous Violatas advena leges.* The *Weſtrogoths*, neither in this King's Reign, nor in thoſe of his Predeceſſors, had their own written Laws, neither did they take care to form them.

But *Theodorick* dying in the thirteenth Year of his Reign, *Evaricus* having ſerv'd him in the ſame manner that he had ſerv'd *Torriſmond*, ſucceeded him in the Kingdom. He was the firſt who gave written Laws to the *Goths*, as *Iſidore* aſſures us [6]; *Sub hoc Rege Gothi Legum inſtituta ſcriptis habere cæperunt, nam antea tantum moribus & conſuetudine tenebantur*; for which, *Sidonius* [7], in an Epiſtle directed to the Emperor *Leo*, extols *Evaricus* as a wiſe Prince, and Author of the Laws; *Modo per promotæ limitem ſortis, ut populus ſub armis, ſic frœnat arma ſub legibus.*

IN the Reign of this Prince, the *Roman* Laws began to be under a Cloud, not in *Italy*, but in *Aquitaine*, *Narbonne*, and in ſome Provinces of *Spain*; for thoſe new Laws, which were call'd *Theodoricianæ*, by the Means of the *Goths*, being propos'd to the People of the Provinces, it happen'd that the *Theodoſianæ* were not ſo much valued; and the Knavery of the *Roman* Officers themſelves, concurr'd not a little to make them be deſpiſed, and particularly of *Seronatus* at that time Præfect of the *Galliæ*, who, by favouring the Party of the *Goths*, and betraying his own Prince, ſet himſelf in Oppoſition to the *Romans*; inſomuch, that *Sidonius* [8] call'd him the *Catiline* of that Age. This Man was pernicious to the *Romans* themſelves, not only by the great Loſſes occaſion'd by his Villainy to the Empire of the Weſt in *Gallia*, but much more by his contemning and ſlighting the *Theodoſian* Laws, and by extolling thoſe of the *Goths*. We read alſo in *Sidonius* the Complaints of the Provincials againſt this Man; *Exultans Gothis, inſultans Romanis, illudens Præfectis, colludenſque numerariis, Leges Theodoſianas calcans, Theodoricianaſque proponens, veteres culpas, nova tributa perquirit*: Whence we may ſee the Condition of the *Romans* at that time, who by the Extortion of this peſtiferous Perſon, who loaded them with exceſſive and exorbitant Tributes, were reduced to that Paſs, that, as was ſaid in the firſt Book, the People of the Provinces choſe rather the Servitude of the *Goths* than the Freedom of the *Romans*; whence *Salvianus* [9], ſpeaking of them, ſaid; *Paſſim, vel ad Gothos, vel ad Bagaudas, vel ad alios ubique dominantes barbaros migrant, & commigraſſe non pœnitet; malunt enim ſub ſpecie captivitatis vivere liberi, quam ſub ſpecie libertatis eſſe captivi. Itaque nomen Civium Romanorum aliquando non ſolum magno æſtimatum, ſed magno emptum, nunc ultro repudiatur, ac fugitur, nec vile tantum, ſed etiam abominabile*

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[1] Arthur. Duk. de Uſu & Authoritat. Jur. Civil. lib. 2. cap. 6. num. 14.

[2] Godaſt. Conſt. Imp. tom. 3.

[3] Sidon. Carm. 7.

[4] Carm. de Narbon.

[5] Grot. in Proleg. Hiſt. Got.

[6] Iſid. in Chronic. Æra 504.

[7] Sidon. lib. 8. ep. 3.

[8] Sidon. lib. 3. cap. 1.

[9] Salvian. lib. 5. de Guber. Dei.

penè habetur. *Paulus Oroſius* likewiſe atteſts[1], that the People of the Provinces choſe to live rather amongſt the Barbarians than amongſt the *Romans*: *Qui malint inter barbaros pauperem libertatem, quam inter Romanos tributariam ſollicitudinem ſuſtinere.* From whence *Iſidore*[2] concludes, *Unde & hujuſque Romani, qui in Regno Gothorum conſiſtunt, adeo amplectuntur, ut melius ſit illis cum Gothis Pauperes vivere, quam inter Romanos potentes eſſe, & grave jugum, tributi portare.* But ſo great Villainy in *Seronatus* did not go long unpuniſh'd, he being dragg'd along the Streets of *Rome*, was beheaded; thus did he undergo the Puniſhment of ſo great Wickedneſs.

THE Laws call'd *Theodoricianæ* were eſtabliſh'd by *Evarick*, not becauſe he acknowledg'd the two *Theodoricks* abovemention'd for the Authors of them, as *Baronius* believ'd[3], who makes *Theodorick the Younger*, Predeceſſor of *Evarick*, Author of them; for in their Times this Nation had no written Laws. Much leſs were they ſo call'd, becauſe *Theodorick* the *Oſtrogoth*, King of *Italy*, had been the Author of them, as others were perſuaded: Becauſe this Prince, as we ſhall ſhew anon, had very different Sentiments concerning the Care of the *Roman* Laws, and reign'd a long Time in *Italy*, after *Sidonius Apollinaris* was dead, who could not call theſe Laws *Theodorician*, becauſe this *Theodorick* was Author of them. *Theodorick Oſtrogoth*, as ſhall be told, reign'd in *Italy* in the Reign of *Anaſtaſius* Emperor of the Eaſt in the Years 493 and 500. when *Sidonius Apollinaris* was dead, which is clear from *Gregory of Tours*[4]; ſo that *Cujacius* is accus'd deſervedly of an Error by *Cironius*[5], for making *Theodorick* King of *Italy* Author of theſe Laws.

SIRMONDUS and *Dadinus Alteſerra*[6] wiſely ſaid, that theſe Laws were call'd *Theodoricianæ*, by way of Alluſion or *Paranomaſia*, in oppoſition to the *Theodoſianiæ*; that as the *Romans* valued themſelves on the *Theodoſianæ*, ſo the *Goths* having their own Laws, tho' different in Senſe, yet the ſame in Sound, would have them call'd *Theodoricianæ*: But as *Cironius* obſerves[7], this *Paranomaſia* would be too inſipid, if *Evarick* had not likewiſe been call'd *Theodorick*; whence the moſt learn'd *Savaron*[8] upon that Place of *Sidonius Apollinaris*, demonſtrates very clearly that the true Name of this Prince had been *Theodorick*: *Grotius* afterwards in his *Nomenclature* lets us ſee, that this King was alſo call'd *Evarick*, becauſe he was the firſt among the *Gothiſh* Kings who made Laws; *Evarix* ſays he, alias *Evaricus*. *Evvarich, legibus Pollens. In gloſſis lex Evva.*

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[1] Oroſ. lib. 7. c. 28.

[2] Iſid. in Chron. Æra 447.

[3] Baron. Ann. tom. 5. A. 468. num. 11.

[4] Greg. Tur. hiſt. Franc. lib. 2. cap. 23.

[5] Ciron. obſ. Jur. can. lib. 5. cap. 1.

[6] Alteſ. rer. Aquit. lib. 5. cap. 15.

[7] Ciron. lib. 5. cap. 1.

[8] Savar. in lib. 2. Sid. Epiſt. 1.

SECT. I.

Of the ALARICK *Code.*

THE *Roman* Laws underwent theſe Abuſes in the Reign of *Evarick*, yet many more by the Villainy of *Seronatus*; but ſuch a Wretch being diſpatch'd out of the World, and *Evarick* dying afterwards in the Year 484. they ſprung up afreſh, and recover'd their ancient Vigour; for the Sentiments of *Alarick* Son of *Evarick*, who ſucceeded him in the Kingdom, were quite different; foraſmuch as the People of the Provinces, who took it ill that they were depreſs'd, found that Acceſs to *Alarick*, which they never had had to the Father. This Prince gave Ear to the Grievances of the *Aquitanians*, and his other Subjects, who, to their great Prejudice, having been depriv'd of the *Roman* Laws under which they had been born and brought up, could not be eaſily reconcil'd to the *Theodorician*. Beſides he knew with what eſteem they had been receiv'd by *Theodorick* the *Oſtrogoth*, who reign'd in *Italy* now in his Time, whoſe Daughter *Theodeluſia* he had married; for which Cauſe his Son was call'd after *Theodorick*, which may be ſeen in *Caſſiodore*, in that affectionate Letter he wrote him[1]: He was therefore reſolv'd in the Twenty-ſecond Year of his Reign to comply with him; for which end having choſen the moſt prudent Men, and the moſt famous Civilians who flouriſh'd in his Time, over whom he ſet *Gojaricus*[2], juſt ſo as the Emperor *Juſtinian* had done by *Trebonianus* in the Compiling of the Pandects, and his own Code; he injoyn'd them, that from the Conſtitutions of the *Theodoſian* Code, and the Opinions of the various Civilians diſpers'd in different Books, they ſhould form a new Code. And that he might not leſſen the Majeſty of his own Empire, as if he ſhould ſeem to ſtand in need of the foreign Laws of other Princes, for governing the People ſubject to him, he order'd that this new Code ſhould be publiſh'd in his Name, and that the Laws contain'd in it ſhould receive from him their Force and Vigour, that his Subjects might be bound to obey them.

THE moſt eſteem'd and famous Books, in which in theſe Times the Civil Law of the *Romans* was comprehended, if we regard the Conſtitutions of Princes, were the *Gregorian* and *Hermogenian* Codes, and that of *Theodoſius* with his *Novellæ*, and among the Volumes of the Civilians, the Opinions of *Paulus*, and the Inſtitutions of *Cajus*, were in greateſt Vogue at this time; therefore by the Labour of theſe able Men[3], from the Conſtitutions of theſe Codes, from the Body of the *Novellæ*, and from the Opinions of theſe Civilians, was this new epitomiz'd Code compil'd; whence therefore it was alſo, by the Writers of this and the following Age, call'd the Breviary of the *Theodoſian* Code, which according to the Computation of *Gotifredus*[4] was finiſh'd in the Year 506. Which Compilation is owing to *Gojaricus* and his Collegues, and not to *Anianus* Chancellor to *Alarick*, as *John Tilly* and *Cujacius* thought, who perhaps were deceiv'd by what *Sigebertus* wrote[5]. *Anianus* had no hand in the Compoſing of it, but only by the Order of *Alarick* it was publiſh'd and ſubſcrib'd by him, in *Ayre* in *Gaſcony*, in the Council of both the Orders[6], that is to ſay, of the Eccleſiaſticks and the Nobility; for at this Time the third Order was of no conſequence nor Authority whatſoever in *France*[7]. Which Publication and Subſcription of *Anianus* is manifeſt from the *Commonitorium* of *Alarick* directed to Count *Timotheus*, which is plac'd before the *Theodoſian* Code, in which we read theſe Words[8]: *Anianus vir ſpectabilis, ex præcepto D. N. glorioſiſſimi Alarici Regis, hunc Codicem de Theodoſianis legibus, atque ſententiis Juris, vel diverſis libris electum, Aduris Anno* XXII. *eo Regnante edidit, atque ſubſcripſit.*

SOME for the ſame Conſideration have believ'd, that at the ſame time *Anianus* had compos'd the Notes on the Opinions of *Paulus*, and the Inſtitutions of *Cajus*, as *Decianus*[9] and *Arthur Duck*[10], by a manifeſt Error have written; for in that Breviary, beſides the Laws pick'd out of the *Theodoſian* Code, there were likewiſe put the Opinions of theſe Civilians by the abovemention'd Compilers, and not by *Anianus*. And theſe Interpretations, which are obſerv'd in the *Theodoſian* Code, ought not to be aſcrib'd to *Annianus* but to them, as *Gotifredus* moſt carefully obſerves in the *Prolegomena* of that Code[11]. And 'tis alſo worthy of Obſervation, that theſe Notes, and the Interpretations having been join'd to this Code, occaſion'd a Miſtake in the Writers of the following Ages; that when they quoted the Laws of this Code, they often quoted for Conſtitutions of it, one of theſe Interpretations, or Notes of *Paulus* the Civilian, as hath been taken Notice of by *Savaron*[12] on *Sidonius Apollinaris*. Thus we ſee *Ivo* of *Chartres*[13], who flouriſh'd in the Year 1092. often quotes for Laws of this Code, the Interpretations of *Paulus* the Civilian: *Gratian*[14] afterwards in his Decree makes many ſuch Miſtakes, as hath been obſerv'd by *Gotifredus*[15] and others.

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[1] Caſſiodore lib. 3. var. c. 1.

[2] Got. in prolegem. C. Th. cap. 5. num. 6.

[3] Got. in proleg. C. Th. cap. 5.

[4] Ibidem.

[5] Sigeber. de Eccl. Scrip. c. 70. Anianus vir ſpectabilis, jubente Alarico R. volumen unum de legibus Theodoſii Imp. edit.

[6] Got. in prolegom. cap. 5.

[7] Loyſeau des ordres.

[8] Alteſ. loc. cit. Ciron. lib. 5. obſ. Jur. can. cap. 2. Gotifr. in proleg. cap. 5.

[9] Decian in Apolog. adverſ. Alciat. l. 2. c. 7.

[10] Arth. Duck, lib. 2. cap. 6. num. 14.

[11] Got. in proleg. cap. 5.

[12] Savar. ſup. Sidon. lib. 2. Ep. 1.

[13] Ivo Carnut. Ep. 112. quod ex legib. Theod. laudat, id habeat ex inter. ad Paul. 5. Sent. 11.

[14] Gratian. 2. qu. 6. c. id ex interpr. in 5. Paul. Sent. tit. de cau. & pœnis Appel. §. 1.

[15] Got. in prolog. c. 6.

SECT. II.

Of the Tranſlation of the Royal Seat of the Weſtrogoths *from* Thoulouſe *in* France, *to* Toledo *in* Spain.

THIS was the alternate Fortune which the *Roman* Juriſprudence ſuffer'd by the *Weſtrogoth* Kings of *Thoulouſe*, who rul'd in *Aquitaine* and many Places of *Gallia*, beſides the Provinces of *Spain*. But ſuch is the Viciſſitude of human Things, that *Alarick*, who after Three and twenty Years Reign, had ſo well eſtabliſh'd his Kingdom in *France*, that he had no Reaſon to think he was to be the laſt King of *Thoulouſe*, was depriv'd both of his Kingdom and Life, and with him the Dominion of the *Goths* in *Gallia* was extinguiſh'd. *Clovis* King of *France*, whether out of Zeal for Religion, or for Reaſons of State, was much vex'd to have *Alarick* for a Companion in the Empire of the *Galliæ*[1]. *Alarick* was truly *Arian*, as all the *Goths* were: And *Clovis* burning with Zeal for the Catholick Religion which he had lately embrac'd, reſolv'd to make War againſt him, and to drive him out of *Gallia*: Thus did this Prince, as we read in *Gregory of Tours*[2], ſpeak to his Soldiers, *Valde moleſtè fero, quod hi Ariani partem teneant Galliarum, eamus cum Dei adjutorio, & ſuperatis redigamus Terram in ditionem noſtram*: And having aſſembled his Armies, he attack'd the Frontiers of the *Goths*, and in the Fields of *Vique* came to a fierce Engagement, where *Alarick* being thrown off his Horſe, *Clovis* kill'd him with his own Hand. The *Goths* being in the utmoſt Conſternation by the Death of their King, were diſpers'd, and almoſt quite deſtroy'd. *Clovis* triumph'd, and took many Cities and Caſtles; *Theodorick* his Son retiring to the inner Parts of *Aquitaine*, all theſe Cities ſubmitted to him: *Clovis* enter'd *Thoulouſe*, which had been the Seat of the *Goths* for a long time, with triumphal Pomp, where he took all *Alarick*'s Treaſure. Thus ended the Dominion of the *Goths* in *Aquitaine*; and at the ſame Time, we may ſee the Hand of the Lord, how he tranſfers Kingdoms from one Nation to another.

CLOVIS having conquer'd all *Aquitaine* and *Thoulouſe*, *Spain*, and a Part of the Province of *Narbonne* remain'd under the Empire of the *Goths*; for the latter of which there was for a long time War betwixt the *Goths* and *French*: And tho' the *French* at laſt became Maſters of it, yet in the *French Narbonne*, as *Grotius* ſays[3], the *Gothiſh* Blood is not quite extinct, neither is there wanting of the Lineage of the *Balti*, the Family of the *Baux*, being ſtill extant there, who derive their Origin from none elſe, but from theſe *Goths*; and they poſſeſs yet in that Province, a Part of the Principality of *Orange*. Another Branch of this ſame Family was tranſplanted from *France* into our Kingdom of *Naples*, who with us are call'd *Baucio* or *Balzo*, which poſſeſs'd the Principality of *Altamura*, the Dukedom of *Andria*, and the County of *Avellino*; for which we ſhall ſeek no better Voucher, than *Grotius* himſelf; theſe are his Words, *Aliaque ejuſdem familiæ propago in Regno Neapolitano Principatum Altamuræ, Ducatum Andriæ, Comitatum Avellinæ, virtutis non degenerantis monumenta tenuit.*

THE *Weſtrogoths* being driven from *Thoulouſe* and *France*, fix'd their Royal Seat in *Toledo* in *Spain*. There they poſſeſs'd the Kingdom a long Time, until the aſtoniſhing and terrible Irruption of the *Saracens*. *Geſalarick* held it, and after him *Theodorick* the *Oſtrogoth* King of *Italy*, who being deſirous of returning to *Italy*, left it to *Amalarick* his Nephew. *Teudius* likewiſe kept it under *Juſtinian* the Emperor, little leſs than 18 Years; and after him *Teudiſcolus* one ſingle Year; *Agila* five; *Atanagildus* fourteen; and after his Death, which happen'd in *Toledo*, *Liuba*[4].

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[1] Goldaſt. tom. 1. Conſt. Imp. relates the Complaint of Theodorick King of Italy, againſt Clovis, calling him an Uſurper and Tyrant, becauſe without juſt Cauſe he had made War on Alarick.

[2] Greg. Tur. lib. 2. hiſt. Franc. cap. 3.

[3] Grot. in proleg. hiſt. Got.

[4] Iſid. Æra 592. Grot. in proleg. hiſt. Got.

Leovigildus his Brother ſucceeded him in the Kingdom, a Prince of a deep Reach, and who was altogether intent on Inlarging the Bounds of his Empire. He conquer'd the *Cantabrians*, who are the People of *Biſcay*, and the *Navarrians*, he ſubdu'd *Amaya* and many other rebel Cities; for which he was call'd the Conqueror, having conquer'd a great Part of *Spain*: *Nam antea Gens Gothorum* (as *Iſidore* ſays [1]) *anguſtis finibus arctabatur.* But all his Virtues were eclips'd by his Perſecution of the Catholicks, and the Fierceneſs and Cruelty of his Temper, not pardoning even *Hermonegildus* his own Son.

[1] Iſidor. Æra 606.

SECT. III.

Of the new Code of the Laws of the Weſtrogoths.

THE *Roman* Laws were not in great Eſteem with all theſe Princes, and much leſs with *Leovigildus*, who being of the ſame Sentiments with *Evarick*, would add ſome others to his own *Gothick* Laws; and what of theſe he thought were out of Order, or ſuperfluous, he mended or left out, or put in better Method: *In legibus quoque* (ſays *Iſidore* [1]) *ea quæ ab Evarico inconditè conſtituta videbantur, correxit, plurimas leges prætermiſſas adjiciens plureſque ſuperfluas auferens.* This Prince likewiſe increaſed his Revenue very much; and after eighteen Years Reign, dy'd in *Toledo* his Royal Seat, in the Year 586.

HIS Succeſſors had the ſame Opinion of the *Roman* Laws: *Reccaredus* his Son (who was the firſt that forſook *Arianiſm*, and embrac'd the Catholick Religion, for which he was call'd the *Catholick King*, a Surname afterwards taken by *Alphonſus* and *Ferdinand*, Kings of *Arragon*, and their Succeſſors) *Liuba* II. *Witterick*, *Gundemare*, *Siſebutus*, *Reccaredus* II. *Svintilla*, *Siſinandus*, *Cintila*, *Tulca*, *Chindeſvindus*, all Catholick and Religious Princes, adding their own Laws to thoſe of their Predeceſſors, in proceſs of Time this new Code ſprung up, and was call'd the Laws of the *Weſtrogoths* [2]. Of the Laws contain'd in it, ſome bear the Names of the Authors in the Front, ſuch as King *Gundemare*'s, and ſo of the reſt who reign'd after *Evarick* and *Leovigild*: Others are under the Title of ancient Law, which may be aſcrib'd to *Evarick*, or rather *Leovigild*, who corrected and increas'd his Laws. The Authority of this Code was ſo great, that it eclips'd the Splendor of the *Roman* Laws altogether in theſe Provinces; for *Chindeſvind* [3] King of the *Weſtrogoths*, who ſucceeded *Tulca*, publiſh'd an Edict by which he baniſh'd the *Roman* Laws intirely out of his Kingdom, and ordain'd, that only this Code ſhould be obſerv'd, under a vain and ſtupid Pretext, becauſe they requir'd a too ſubtile Interpretation. Theſe are the Words of the Edict [4], *Alienæ gentis legibus ad exercitium utilitatis imbui, & permittimus, & optamus; ad negotiorum vero diſcuſſionem, & reſultamus, & prohibemus. Quamvis enim eloquiis polleant, tamen difficultatibus hærent: adeo cum ſufficiat ad juſtitiæ plenitudinem; & præſentatio rationum, & competentium ordo verborum, quæ Codicis hujus ſeries agnoſcitur continere, nolumus, ſive Romanis legibus, ſive alienis inſtitutionibus a modò amplius convexari.* This Conſtitution by the Miſtake of *Benedict Levita*, having been regiſtred amongſt the Capitularies of *Charles the Great*, made *Gonſalez* believe [5], that *Charles* had been the firſt who baniſh'd the Uſe of the *Roman* Laws from the Courts of Juſtice. *Reciſwind* his Son, who ſucceeded him in the Kingdom, renew'd the Injunctions of his Father, and order'd, that no other Laws but what were contain'd in that Code ſhould be obey'd, whether they were *Roman* or *Theodoſian*, or of any other foreign Nations. *Nullus*, ſays he, *prorſus ex omnibus*

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[1] Iſid. in Chron. Æra 608.

[2] Ciron. lib. 5. obſerv. jur. can. cap. 2.

[3] Alteſ. rer. Aquit. lib. 3. cap. 11. Got. in proleg. C. Th. cap. 7.

[4] Leg. Wiſigoth. lib. 2. tit. 1. c. 9.

[5] Gonſal. in c. ſuper Specula, de privil. num. 2.

Regni noſtri præter hunc librum, qui nuper eſt editus, atque ſecundum ſeriem hujus omnimode tranſlatum, alium librum quocunque negotio in judicio offerre pertinet [1]. *Reciſwind* reign'd thirteen Years after the Death of his Father, and died in *Toledo* in the Year 672.[2], and *Vamba* was choſen his Succeſſor.

NEVERTHELESS 'tis true, that this Code, in Emulation of that of *Juſtinian*, was compil'd and divided into twelve Books. The Compilers had the *Theodoſian* Code likewiſe by them, and that of *Alarick*, as is clear from the Conſtitutions which we read in it[3]. Beſides they made uſe of the *Juſtinian* Code in computing[4] the Degrees of Conſanguinity in the ſame Order, and almoſt in the ſame Words, which *Juſtinian* made uſe of in the Books of his Inſtitutions; and which is more remarkable, it was written in pure *Latin*, and not in that inſipid and barbarous Stile, which other Nations uſed; from which *Cujacius*[5] concludes, that the *Goths* were the moſt poliſh'd of all other Nations: And ſuch was the Authority of this Code, that it not only had Force and Stability amongſt the *Weſtrogoths*, but alſo among other Nations, ſuch as the *Burgundians* and *Saxons*. In the Council of *Toledo*, its Conſtitutions are often quoted, and honourable mention made of them; ſo that the *Roman* and *Gothiſh* Laws were blended in ſuch manner, that not only in this Age, but alſo in the following, they were obſerv'd, as well by the *Goths* as the *Saracens*[6], who after the Year 715, having over-run *Spain*, retain'd them; neither did they introduce new Laws, excepting ſome few concerning Criminal Matters, ſuch as blaſpheming their falſe Prophet *Mahomet*; and at laſt, theſe being driven out, they were retain'd by the Kings of *Spain* themſelves, as *Grotius*[7], from the Teſtimony of *Roderick*, writes, till the Reign of *Alphonſus* IX or X, who, the *Gothiſh* Laws being almoſt wore out by diſuſe, introduc'd the *Roman* into *Spain*, which he caus'd to be tranſlated into the *Spaniſh* Language by *Peter Lopez* and *Bartholomew* of *Arienza*, and publiſh'd them, which to this Day are in Force[8].

WE owe this Code of the Laws of the *Weſtrogoths*, to the Care of *Peter Pitheus*, who was the firſt that communicated them to *Jacobus Cujacius*, for which Favour he own'd himſelf much beholden: Take his own Words for it[9]; *Gothorum ſive Wiſigothorum Reges, qui Hiſpaniam & Galiciam Toleto Sede Regia tenuerunt, ediderunt* XII. *Conſtitutionum libros, æmulatione Codicis Juſtiniani, quorum authoritate utimur ſepe libenter, quod ſint in eis omnia fere petita ex Jure Civili, & Sermone Latino conſcripta, non illo inſulſo cæterarum gentium, quem nonnunquam legimus ingratis: ut gens illa maximè, quæ conſedit in Hiſpania plane cultior cæteris, hoc argumento fuiſſe videatur. Communicavit autem mihi ultro Petrus Pitheus, quem ego hominem, & ſi amore, & perpetuo quodam judicio meo dilexi ſemper vix jam ex ephebo profatus fore, ut probitate, & eruditione æqualium ſuorum, nemini cederet: tamen pro ſingulari iſto beneficio, maximam modo animi benevolentiam, & ſumma, ac ſingularia Studia omnia me ei debere confiteor, idemq; erit erga eum animus bonorum omnium, ſi, quod vehementer exopto eos libros in publicum conferre maturaverit.* What *Cujacius* wiſhed ſo much for, *Pitheus* had already done; for not long after, he allow'd it to be put to the Preſs, as he ſays, writing to *Edward Moleus*; *Imo etiam, ne quid Orienti Occidens de eadem gente invideret, legis Wiſigothorum libros XII. ut tandem aliquando ederentur, conceſſi*[10]. To the ſame Perſon we are likewiſe indebted for the Edict of *Theodorick* the *Oſtrogoth*, King of *Italy*, of which we ſhall ſpeak by and by.

Altho' *Spain* was afterwards invaded by the *Saracens*, the Name and Blood of the *Goths* were not quite extinguiſh'd, neither were their Laws. The greateſt Part of the Nobility of that Kingdom, bragg'd very juſtly, not only of their Blood, but alſo of their Names; and indeed, as *Grotius*[11] obſerves, *Ferdinand*, *Frederick*, *Roderick*, *Herman*, and ſuch like Names, are all *Gothiſh*, and the *Spaniards* ſtill retain them.

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[1] Cod. LL. Wiſig. lib. 2. tit. 1. cap. 10. Got. in Proleg. C. Th. cap. 7.

[2] Got. loc. cit.

[3] Cod. LL. Wiſig. lib. 5. tit. 5. cap. 9. lib. C. Th. de Uſuris. C. LL. Wiſig. lib. 3. tit. 1. cap. 1. l. un. C. Th. de Nupt.

[4] LL. Wiſig. lib. 4. cap. 11.

[5] Cujac. de Feud. lib. 2. tit. 11.

[6] Arth. Duck, lib. 2. cap. 6. num. 15.

[7] Grot. in Proleg. Hiſt. Got. poſtquam e Saracenorum manu recuperari partes Hiſpaniæ cæpere, reſuſcitatæ a veremundo, Adelfunſo, Ferdinando, ut Rodericus nos docet, Gothicæ leges: quarum Corpus Forum judicum, & olim & nunc dicitur fons verus Hiſpanici juris.

[8] Corvar. lib. 1. var. reſol. cap. 14. num. 5. Arth. Duck, loc. cit. num. 16.

[9] Cujac. loc. cit.

[10] Piteus ad Edvard. in ep. Præpoſita ad Edictum Theodorici in oper. Caſſiod.

[11] Grot. in Proleg. Hiſt. Got. pag. 5.

The Kings of *Spain* themſelves boaſt, and will have it believ'd, that they are deſcended of *Pelagius* Son of *Favilla*, come of Kingly Race, who upon the Invaſion of the *Saracens*, gathering together the Remains of their People in *Auſtria*, maintain'd himſelf there, altho' with a ſlender Fortune, yet with a Royal Title, hoping, that ſome time his Poſterity might recover the Kingdoms of their Forefathers, as it fell out afterwards; *Ad hunc*, as *Mariana* ſays, *Hiſpaniæ Reges nunquam interciſa ſerie, cum ſemper, aut parentibus filii, aut fratres fratribus ſucceſſerint, clariſſimum genus referunt. Frouliba*, Wife of *Pelagius*, was a *Goth*, and her Son-in-law *Adelphonſus* was likewiſe a *Goth* of the Blood of *Reccared*. They were then of the Royal Race of the *Balti*. The Kings of *Spain*, who in the Space of ſeven hundred Years, with unwearied and continual Fatigues, had purg'd *Spain* of the *Arabick* Inundation, at laſt extended their Dominion not only over a great Part of *Europe*, *Africa*, and *Aſia*, but ſubjected a new and unknown World, and likewiſe for a long Series of Years govern'd theſe our Provinces, which at this Day compoſe the Kingdom of *Naples*.

WE have thought fit to inlarge ſomewhat on the Race and Succeſſion of theſe *Weſtrogoth* Princes, and the alternate Fortune the *Roman* Juriſprudence had amongſt them in *France* and *Spain*, that we might ſpeak ſeparately of what happen'd among the *Oſtrogoths* in *Italy*; not only by adding the Origin of the Kings of *Spain*, by whom, in the Ages leſs remote from us, our Kingdom hath been govern'd; but alſo by diſtinguiſhing the Viciſſitudes of the *Roman* Juriſprudence amongſt theſe two Nations, who had not the ſame, but altogether oppoſite and different Sentiments of it. And it was the more neceſſary, becauſe Writers jumble the Laws of the one with the other; not minding the Series and Genealogy of theſe Princes, and the various Habitations they had, by which they confound the one with the other, and believe, that this Code had likewiſe Authority in *Italy* among the *Oſtrogoths*, in aſcribing to the *Oſtrogoth* Princes what the *Weſtrogoths* did: Into which Error we are ſurpriz'd that the careful *Arthur Duck* ſhould have fallen[1].

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[1] Arth. Duck. de Uſu & Aut. Jur. Civil. cap. 6. num. 14.

CHAP. V.

Of the Eaſtern GOTHS, *and their* EDICTS.

OF the *Oſtrogoth* Princes of the illuſtrious Houſe of *Amali*, *Jornandes* hath given a long Series in his Hiſtories[1]: Before *Hermanarick* he reckons Six, *Amalus*, *Iſarna*, *Oſtrogota*, who flouriſh'd during the Empire of *Philip*, *Cniva*, *Ararick*, and *Geperick*. *Hermanarick* was he, who extended the Bounds of his Kingdom further than all the reſt, and ſubjected many Nations. He was a Prince of very great Courage, but much more fortunate: His Death was a great Loſs to the *Oſtrogoths*, for it occaſion'd the *Weſtrogoths* to ſeparate themſelves, and in the Reign of *Valens* the Emperor, to chooſe *Fridigern* for their Captain, and afterwards *Atanarick* for their King, and after him, in the Reign of *Honorius*, *Alarick*, the Series of whoſe Succeſſors, who reign'd firſt in *France*, and afterwards in *Spain*, we have above related. *Winitarius*, of the ſame Race of the *Amali*, ſucceeded *Hermanarick*; but tho' he retain'd the ſame Princely Enſigns, nevertheleſs, the *Oſtrogoths* continued ſubject to the *Huns*, becauſe of their reſiding in their Country. Wherefore *Winitarius*, not patiently bearing the Government of the *Huns*, by degrees, withdrew himſelf from under their Yoke, until he made himſelf Maſter of the Perſon of *Box* their King, his Sons, and of ſeventy of the principal Lords of his Kingdom; and for a terrible Example to the reſt, he crucified them all, and for many Days left their Bodies hanging to be gazed on; but he enjoy'd the Freedom of the Government he had purchas'd, but one Year only, for King *Balambrus* declared War againſt him, and was in the firſt and ſecond Battels defeated with a great Slaughter of the *Huns*, but in the third, *Winitarius* was kill'd by the Stroke of a Dart that pierced his Head, and which *Balambrus* himſelf threw at him.

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[1] Jornand. Hiſt. Got. cap. 48. Grot. in Proleg. Hiſt. Got.

THE *Oſtrogoths*, in Confuſion and Conſternation on the Death of their Prince, ſubmitted to the Government of *Balambrus*; but this Prince having married *Waldamarca*, Niece of *Winitarius*, they receiv'd many honourable Conditions of Peace; ſo that altho' they continued ſubject to the *Huns*, yet by their Direction and Permiſſion, they never failed to chuſe their own King, who govern'd them. Therefore after the Death of *Winitarius*, *Unimondus*, Son of the late famous and powerful King *Hermanarick*, was choſen. To him ſucceeded *Torriſmondus* his Son, a valiant and worthy Youth, who often gain'd great Victories over the *Gepides*; whoſe Memory was ſo dear to the *Oſtrogoths*, that, after his Death, they continu'd forty Years without a King; after which time they choſe *Walamirus*. *Walamirus* was the Son of *Wandalarius*, deſcended from a Brother of *Hermanarick*, and therefore Couſin German to *Torriſmond* [1]. This King had three Sons, *Walamirus*, *Theodemirus*, and *Windemirus*, in whom the illuſtrious Family of the *Amali* was preſerv'd. *Walamirus* was aſſumed to the Kingdom: and ſuch was the Love and Gratitude amongſt theſe Brothers, that they mutually aſſiſted one another, in order to keep Peace in the Kingdom. Nevertheleſs they were ſubject to *Attila* King of the *Huns*, whoſe Commands they were obliged to obey; neither durſt they refuſe to fight often againſt the *Weſtrogoths*, their Kinſmen, thus bearing the Neceſſity of Subjection, under which they were.

BUT the Dominion of the *Huns* in the Eaſtern Parts, on the Death of their gallant and invincible King *Attila*, fail'd in a lamentable manner; for this Prince, by his many Wives, had a prodigious Number of Sons, who all fighting and contending for the Succeſſion, intirely loſt it; for *Adarick* King of the *Gepides*, taking Advantage of their Contentions, made a miſerable Slaughter of them, and diſpers'd them in ſuch a manner, that the other Nations who were ſubject to the *Huns*, by ſuch proſperous Succeſs, were able to throw off the Yoke of their Servitude, and, together with the *Gepides*, had recourſe to *Martianus*, who then govern'd in the Eaſt; begging, that he would be pleaſed to diſtribute thoſe Countries among them, which they by their own Valour had withdrawn from under the Tyranny of the *Huns*.

MARTIANUS had ſucceeded to *Theodoſius the Younger* in the Empire of the Eaſt in the Year 450, who moſt willingly taking them under his Protection, made Peace with them, aſſigning to the *Gepides* all *Dacia*, which had been the Seat of the *Huns*, from whom they had recover'd it. The *Goths* having obſerv'd, that the *Gepides* were not to be eaſily conquer'd, in order to have no Diſpute with them, choſe rather to have ſome other Countries of the *Roman* Empire aſſigned them, which was granted; ſo that they ſettled in *Pannonia*. The Bounds of *Pannonia* at this time were, towards the Eaſt the *Upper Meſia*, towards the South *Dalmatia*, towards the Weſt *Noricum*, and on the North the *Danube*: A Province adorned with many Cities, among which *Sirmium* was the chief, where the Emperors uſed frequently to reſide.

THE *Oſtrogoths* then having transferr'd their Seat into *Pannonia*, liv'd a long time under the Dominion of *Walamire* their King, and *Theodomire* and *Widemire* his Brothers; who, altho' they were divided as to Places, which they ſhared amongſt themſelves, yet nevertheleſs they were, in Councils and Deliberations ſtrictly united; ſo that *Pannonia* ſeem'd to be ruled and governed by one ſingle Perſon only [1]. Theſe Brothers often repell'd the Forces which the Sons of *Attila* brought againſt them, who accounted them Deſerters from their Dominion, for which Cauſe they often attack'd them, until they were defeated by *Walamire*, and confin'd to *Scythia*. At that ſame joyful Time, when the Victory was obtain'd over the Sons of *Attila*, *Theodomire* had his Son *Theodorick* born to him, who from his very Cradle gave great Expectations. By his noble Manners and excellent Virtues, being much in favour with the Emperor *Zeno*, he had the good Luck for many Years, with Royal Title, to rule *Italy* and theſe our Provinces.

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[1] Grot. in Proleg. Hiſt. Got.

THE Peace, in the mean time, betwixt *Martianus* the Emperor, and *Walamire* and his Brothers, continu'd firm and ſecure; but they being offended, that at the Imperial Court in *Conſtantinople*, a certain *Theodorick*, the Son of a veteran Soldier, tho' a *Goth*, but not of the Race of *Amali*, had gain'd the Hearts of every Body, and that the Emperor had themſelves in no Eſteem, and with-held the Penſions which the Empire uſed to pay them; immediately took up Arms againſt the Empire, and turn'd all Things topſy-turvey in *Dalmatia* and *Illyricum*. Immediately the Emperor chang'd his Mind; and in order to make them his Friends, ſent Ambaſſadors to ſettle a more firm and laſting Peace, offering them not only thoſe Penſions, which for the Time paſt had been deny'd them, but likewiſe all they could claim to that Time, obliging himſelf alſo to keep up a Correſpondence with them for the Time to come, provided they would keep themſelves within their own Bounds, and not make War againſt the Empire. The Conditions were agreed to; but the Emperor for the greater Security, would have the Infant *Theodorick*, Son of *Theodomire*, for Hoſtage. The affectionate Father would not conſent to it, not being able to ſuffer ſuch a dear Pledge to be taken from him; but at laſt being perſuaded by the Intreaties of his Brother *Walamire*, he agreed to it: So there was ſettled betwixt the *Goths* and the *Romans* a firm and ſtable Peace, of which *Theodorick* was the Pledge, and was carried to *Conſtantinople*, and put in the Hands of the Emperor *Leo*, who had ſucceeded to *Martian* in the Eaſt, who lov'd the Child becauſe of his Comelineſs and gentile Manners, more than he did his own Son.

THE *Goths* then having made ſuch a firm Peace with the *Romans*, turn'd their Arms againſt ſeveral Nations who border'd with them; but while *Walamire* was fighting gallantly againſt the *Scythians*, he was thrown off his Horſe and kill'd. Therefore the *Goths*, in order to revenge the Death of their King, fought ſo boldly, that they ſubdu'd them altogether. *Theodomire* made War likewiſe againſt the *Suevi* and the *Germans*, whom he cruelly butcher'd and diſpers'd, and had almoſt extinguiſh'd them: And whilſt he was returning triumphantly to *Pannonia* his Seat, his Son *Theodorick*, who had been given in Hoſtage, return'd from *Conſtantinople* loaded with Preſents, being diſmiſs'd by the Emperor *Leo*, that he might enjoy full Liberty in his paternal Soil.

THEODORICK being return'd into *Pannonia*, and ſcarcely out of his Childhood, not as yet eighteen Years old complete, began to give Signs of incredible Valour: Having, without his Father's Knowledge, gathered together many Troops of thoſe who were moſt affectionate to him, being very near Six thouſand, he paſs'd the *Danube*, and waged War againſt *Babai* King of *Sarmatia*, who a little before, had triumph'd over *Camundus* a *Roman* Captain, whom he defeated and kill'd; having got a compleat Victory over him, he likewiſe ſurpriz'd the City *Semandria*, which had been poſſeſs'd by the *Sarmatians*; but did not reſtore it to the *Romans*, but ſubjected it to his own Kingdom.

WHILST the *Goths* were thus preying upon their Neighbours, and the Deſire of inlarging their Bounds, and to go in queſt of more commodious Habitations in other Parts grew the greater; *Widemire* was making himſelf ready with his People to paſs into *Italy*, which he did, but he had ſcarcely arriv'd there, when all his Deſigns were blaſted by unexpected Death: He was ſucceeded in the Kingdom by his Son, who was likewiſe call'd *Widemire*, and who being adviſ'd by *Glicerius*, who then reign'd in the Weſt, from *Italy* directed his March into *Gallia*, and join'd himſelf to the *Weſtrogoths* his Kinſmen, with whom he was able to clear *Gallia* and *Spain*, of many Nations wherewith they were infeſted, and to defend thoſe Provinces againſt the Invaſion of the *Vandals*.

ON the other Hand, *Theodomire* his Uncle, with *Theodorick* his Son, being ſpurr'd on by *Gezerick* King of the *Vandals*, march'd with their Army towards

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[1] Jornand. loc. cit.

Dalmatia and *Illyricum*, took *Neiſſa* the Capital City of that Province, and afterwards *Ulpianum*, and all the other Places, tho' reckon'd inacceſſible; he ſubjected *Heraclea* and *Lariſſa*, Cities of *Theſſaly*, to his Dominion: He went further, and pretended to take *Theſſalonica*: *Clarianus* a Patrician and *Roman* Captain, was Governor of that City, who being ſo unexpectedly catch'd napping by *Theodomire*, and conſidering that his Forces were not ſufficient to reſiſt him, ſent him Ambaſſadors with many Preſents, deſiring that he would give over Thoughts of beſieging that City. The Conditions of Peace were ſoon agreed to, by leaving to the *Goths* all thoſe Places which had ſurrender'd to them, to wit, *Ceropellas*, *Europus*, *Mediana*, *Petina*, *Bereus*, and the other Countries of *Illyricum*, where the *Goths* with their King, laid down their Arms, and took their Reſt. Not long after *Theodomire* became grievouſly ſick, and having conven'd the *Goths*, and appointed *Theodorick* his Son for their King, and his Succeſſor, ended his Days lamented by all [1].

[1] Jornand. de reb. Get.

SECT. I.

Of Theodorick *the* Oſtrogoth, *King of* Italy.

WHILST *Italy*, by the Death of *Valentinian* III. which fell out in the Year 455 [1], and the Change of ſo many Princes and Emperors was all in a Convulſion, and miſerably afflicted; *Maximus*, Author of the infamous Aſſaſſination, caus'd himſelf to be proclaim'd Emperor of the Weſt, and marry'd *Eudoxia* Wife of *Valentinian*, and Daughter of *Theodoſius*; but having diſcover'd that he had been the Author of the Death of her firſt Husband, ſhe call'd from *Africa Genſerick* King of the *Vandals*, who with a powerful Army came into *Italy*, and enter'd *Rome*, which he deſtroy'd and plunder'd; and while *Maximus* was making his Eſcape, he was ſtoned and tore to pieces by the People. After *Genſerick* had over-run many Provinces, he retir'd with a Deſign to leave *Italy*, and return to *Africa*: He over-run our *Campania*, laying it all waſte and in Confuſion, took *Capua* and *Nola*, and deſtroy'd and pillag'd many Cities of this Province; from thence he return'd to *Carthage*. *Avitus* during theſe Commotions by the Favour of the *Weſtrogoths* cauſed himſelf to be proclaim'd Emperor in *France*, but he very ſoon quitted the Purple; for the Emperor *Martianus*, who, as we have ſaid, had ſucceeded to *Theodoſius the Younger* in the Empire of the Eaſt, hearing of the Death of *Maximus*, ſolicited the Senate and the Soldiers to make *Majorianus* Emperor, which was done in the Year 457. *Majorianus* not long after, was murder'd by the Means of *Severus*, who intruded himſelf into the Empire; but the third Year was not over, when he was put to Death by *Ricomerus*, who fix'd *Antemius* in his Place; he likewiſe had the Favour of *Leo*, who in the Year 457. by the Death of *Martianus*, had ſucceeded in the Empire of the Eaſt. But *Ricomerus* having afterwards declar'd againſt *Antemius*, he was likewiſe put to Death in the Year 472. and *Olibrius* put in his Room, who reign'd only eight Months; and *Glicerius*, more by his own Strength, and the Aſſiſtance of the *Weſtrogoths*, than by a free Election, was declared Emperor in *Ravenna*. But his Empire ſcarcely laſted one Year, when *Julius Nepos*, in the Year 474. caus'd him to be depoſ'd, and took the Title of Emperor himſelf: *Oreſtes* being appointed by him General of his Armies, rebell'd againſt him, and cauſed *Auguſtulus* his Son to be declar'd Emperor in *Ravenna*.

FOREIGN Princes ſeeing ſo much Confuſion and Diſorder among the *Romans*, thought fit to take Advantage of it, as *Evarick* the *Weſtrogoth*, and many more had already done; but during the Reign of *Auguſtulus* Diſorders growing more and more, the *Heruli* and the *Thuringi*, under *Odoacre* their Captain, being likewiſe invited by the Friends of *Nepos*, at laſt made themſelves Maſters of *Italy*: *Oreſtes* was put to Death, and *Auguſtulus*, depriv'd of the Empire, was baniſh'd to *Naples*,

[1] Pagi Diſſert. de Conſulib. p. 288.

where he was confin'd in the Caſtle of *Lucullus*, which is now call'd *Ovo* [1]. Thus was the Empire of the *Romans* in the Weſt, extinguiſh'd in *Auguſtulus* in the Year 476. which made *Jornandes* ſay, *Sic quoque Heſperium Romanæ gentis Imperium, quod Septingenteſimo vigeſimo tertio urbis conditæ anno, primus Auguſtorum Octavianus Auguſtus tenere cœpit, cum hoc Auguſtulo periit, anno deceſſorum, prædeceſſorumque Regni quingenteſimo ſexto; Gothorum dehinc Regibus, Romam, Italiamque tenentibus.* In his Perſon alſo ended the Title of Emperor of the Weſt, becauſe *Odoacre* having made himſelf Maſter of *Italy*, took no other Quality upon him than that of King.

ODOACRE held the Kingdom of *Italy*, according to *Jornandes*, little leſs than fourteen Years [2], till the Year 489, when *Theodorick* the *Oſtrogoth* expell'd him, and confin'd him to *Ravenna*, where he was cloſely beſieg'd. Neither *Italy*, nor theſe our Provinces, ever had more miſerable Times, than thoſe from the Death of *Valentinian* III. to the Reign of *Theodorick*; if we will but conſider what Detriment the Change of Princes or Government brings upon a Commonwealth or Kingdom, we may eaſily imagine how much theſe our Provinces ſuffer'd in ſuch Times by the Change of ſo many Princes and Emperors. All was in Diſorder, all in Confuſion, and every Thing turn'd topſy-turvy; the Laws were contemned, and Juſtice yet more. The Emperors, who were ſo often made and unmade, thought of nothing leſs: Only ſome *Novellæ* of *Martianus*, *Majorianus*, *Severus*, and *Antemius*, have reach'd us, which were collected by *Gotifredus*, which we ſee printed at the End of his *Theodoſian* Code. But *Theodorick* having taken upon himſelf the Government of the Kingdom, deſerv'd much Commendation, for he was the firſt who put an end to ſo great Calamities; ſo that in the Space of little leſs than Thirty-eight Years that he reign'd in *Italy*, he reſtor'd it to ſuch Grandeur, that the late Misfortunes and Deſolations were no more perceiv'd; foraſmuch as he governing it according to the Inſtitutions and Laws of the *Romans*, reſtor'd it to its ancient Splendor and Majeſty. For which Cauſe it becomes us to give a particular Account of the Atchievements of this mighty Prince, to whom theſe our Provinces which now compoſe the Kingdom of *Naples*, are much indebted.

THEODORICK after the Death of *Theodomire* his Father, having ſucceeded him in his Paternal Kingdom, reign'd in *Illyricum*, where the *Oſtrogoths*, as we have ſaid, after their Conqueſts, laid down their Arms and ſettled themſelves. At this Time *Zeno* reign'd in the Eaſt, who in the Year 474. had ſucceeded to the Emperor *Leo*: *Zeno* underſtanding that *Theodorick* had been choſen King of the *Oſtrogoths*, and fearing that by his too great Power he might diſturb his Empire, thought it convenient to recall him to *Conſtantinople*; where he receiv'd him with incredible Marks of Eſteem, and firſt of all caus'd him to be enroll'd amongſt the prime Lords of his Court; not long after he adopted him for his Son, and created him *Conſul Ordinarius*, the moſt eminent Dignity in the World at that Time: But that would not ſerve him, he likewiſe caus'd to be erected before the Porch of the Imperial Palace, an Equeſtrian Statue, in Honour of ſo worthy a Perſonage. But whilſt this Prince was enjoying all theſe Advantages in *Conſtantinople*, and all the Honours which could be heap'd upon him by Imperial Hands; yet for all that his generous Soul could not bear to ſee his own People, who were trifling away their Time, abas'd with Idleneſs, Poverty and Straits in *Illyricum*, and himſelf idly enjoying theſe Pleaſures, leading an indolent and lazy Life: Rouz'd by ſuch powerful Motives, he reſolv'd upon more generous Undertakings; and having waited on the Emperor *Zeno*, as *Jornandes* relates [3], he ſpake thus to him.

“ Altho' by your Generoſity and Grandeur, there be nothing wanting either to me
“ or my *Goths*, who are under your Command; nevertheleſs be pleas'd to hear the
“ Wiſhes and Deſires of my Heart, which I am going freely to unfold to you. The
“ Empire of the Eaſt, which for many Years hath been govern'd by your Predeceſſors,
“ is going to be involv'd in War; and there is not a barbarous Nation that
“ does not pillage it, diſorder it, and ſeize on it: *Rome*, which was formerly the
“ Head and Miſtreſs of the World, with *Italy*, is oppreſs'd by the Tyranny of
“ *Odoacre*: Will you ſuffer us to be here idle and lazy, whilſt others are committing
“ Depredations in the moſt beautiful Part of your Empire? Why don't you order

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[1] Jornand. de reb. Get. Auguſtulum filium ejus de Regno pulſum, in Lucullano Campaniæ Caſtello exilii pœna damnavit.

[2] V. Pagi in proleg. de Conſulib. num. 40.

[3] Jornand. de reb. Get.

“ me with my People to carry our Arms thither? We will revenge your Wrongs,
“ and your Shame; and beſides, you will ſave the great Charges which our being
“ here coſts you. If I, with the Aſſiſtance of God, ſhall be Victorious, the Fame of
“ your Piety and Honour will be ſpread over all the World. I am your Servant,
“ and likewiſe your Son, therefore it will be more fitting and reaſonable, that if I
“ ſhould be Victorious, I ſhould poſſeſs that Kingdom by your Gift, which is now
“ oppreſs'd by the Tyranny of ſtrange Nations, who keep your Senate, and a great
“ Part of your Commonwealth in baſe Servitude and Captivity: If I ſhall triumph
“ over them, by your Bounty I ſhall poſſeſs the Weſt; if I be vanquiſh'd, your
“ Empire and your Piety will ſuffer nothing by it, but will be eaſed of theſe heavy
“ and conſiderable Expences.”

THIS ſo magnanimous a Reſolution of *Theodorick*'s, altho' it much diſpleas'd the Emperor *Zeno*, who could not eaſily bear his Abſence, nevertheleſs being unwilling to ruffle him, by oppoſing it, and conſidering with himſelf, that it were better, that his *Goths*, who were impatient of Reſt, ſhould employ their Arms elſewhere, and not diſturb the Eaſtern Parts, he approv'd of it, and granted him all that he demanded; and loading him with moſt rich Preſents, diſmiſs'd him, recommending to him above all Things, the Senate and People of *Rome*, for whom he was to have all the Eſteem and Regard that was poſſible. *Theodorick* leaving *Conſtantinople* full of the greateſt Hopes, return'd to his *Goths*, and order'd Matters ſo, that many follow'd him; and by the ſtraight Way, paſſing through *Pannonia*, he led his Army towards *Italy*. From thence entering the Confines of *Venice*, he pitch'd his Camp at the Bridge of *Liſonzo*, not far from *Aquileja*.

IN the mean Time Meſſengers had gone before to acquaint *Odoacre* of his March, who hearing that *Theodorick* was encamp'd at this Bridge, march'd his Army againſt him. But *Theodorick* getting to the Fields of *Verona* before him, offer'd him Battle, where they had a very ſharp Engagement, in which *Theodorick* made a cruel Slaughter of the Enemy; whereupon entring boldly into *Italy*, and croſſing the *Po*, he encamp'd his Army near to *Ravenna*; and during the Siege of this Imperial City, there happen'd a general Revolt. *Odoacre* who was within, did all he could to defend it, and frequently by Sallies in the Night-time, diſturb'd the *Gothiſh* Army; and by fighting in this manner, ſometimes with Loſs, ſometimes with Advantage, the third Year of the Siege drew on: But *Odoacre* ſtrove in vain, for *Theodorick* was proclaim'd King and Lord over all *Italy*, and all Things both Publick and Private ſucceeded according to his Wiſhes. In this Condition *Odoacre* perceiving that all was loſt, and ſeeing himſelf only poſſeſs'd of *Ravenna*, and that already Proviſions were wanting, reſolv'd to ſurrender; therefore he ſent Ambaſſadors to *Theodorick* deſiring Peace: Which was granted him; but afterwards fearing leſt *Odoacre* by Treachery ſhould endeavour to regain the Kingdom, he caus'd him to be put to Death.

DURING theſe fortunate Succeſſes, *Theodorick* gave a diſtinct Information of all that paſs'd to the Emperor *Zeno*, adviſing him that he only wanted *Ravenna* to be intire Maſter of *Italy*; at which *Zeno* was mightily pleas'd, ſo that by his Imperial Decree he confirm'd him Emperor of *Italy*; and by his Advice, *Theodorick* laying aſide the *Gothiſh* Habit, put on, not the Imperial Diadem, but the Kingly Enſigns and Mantle, and was proclaim'd King of the *Goths* and *Romans* [1]. Afterwards in the ſecond Year of the Empire of *Anaſtaſius*, who ſucceeded *Zeno*, he took *Ravenna*, and in the Year 493. he fix'd his Royal Seat in this City, as his Predeceſſors had done.

IF there ever was a Prince in the World, in whoſe Favour, in the Acquiring of his Kingdoms, ſo many juſt Titles concurr'd, certainly *Theodorick* deſerves to be reckon'd ſuch with reſpect to the Kingdom of *Italy*. In his Time the Empire of the Weſt, by the Death of *Auguſtulus*, was altogether at an End and extinct: *Spain* was in Poſſeſſion of the *Vandals*, the *Weſtrogoths*, and the *Suevi*; *Gallia* was in the Hands of the *French*, and the *Burgundians*; *Germany* under the Dominion of the *Alemanni*, and other more unciviliz'd and barbarous Nations. The Emperors of the Eaſt not able to defend *Italy*, it was left a Prey to the moſt barbarous Nations:

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[1] Jornand. de reb. Get. Zenoniſq; Imperatoris conſulto privatum habitum, ſuæq; gentis veſtitum deponens, inſigne regii amictus, quaſi jam Gothorum Romanorumq; Regnator, adſumpſit.

Giſerick King of the *Vandals* deſtroy'd and plunder'd it: *Odoacre* invaded it, and made it groan under his Tyranny; *Theodorick* came to ſet it at Liberty, and at his own Charges, in the Midſt of infinite Dangers, by the Valour of his Arms, and with the Troops of his own Nation, ſubdu'd the Tyrant, drove him out, and kill'd him. All the People receiv'd him for their King and Lord with loud Acclamations, and long'd for his Government. If there was any who had any Claim of Right to *Italy*, it was the Emperor of the Eaſt, but *Theodorick* having been ſent by him, acquir'd it, and drove out the Invader. Having conquer'd it with his own Troops, the Empire was confirm'd to him by *Zeno*, by whoſe Counſel and Authority he cloath'd himſelf with the Royal Enſigns, and was declar'd King of *Italy*, *Zeno* tranſferring to his Perſon the moſt ſupreme Rights, reſerving nothing to himſelf. For which we ſhall ſeek no other Vouchers but the *Greeks* themſelves; we ſhall ſay nothing of *Jornandes*, who being a *Goth*, may be ſuſpected by ſome; neither ſhall we mention *Ennodius* that holy Biſhop of *Pavia*, who for the Juſtice of his Reign, made a panegyrical Oration [1] on him; I will make uſe of *Procopius* [2] a *Greek* by Nation, who in his Hiſtory, as he is very complaiſant to his own *Greeks*, ſo he is no great Flatterer of the *Goths*: Thus he writes of the Facts according to the Tranſlation of *Grotius*, *At Zeno Imperator, gnarus rebus uti, ut dabant tempora, Theodorico hortator eſt, ut in Italiam iret, Odoacroque devicto, ſibi ipſe ac Gothis pararet Occidentis regnum. Quippe ſatius homini in Senatum allecto, Romæ, atque Italis imperare, invaſore pulſo, quam arma in Imperatorem cum periculo experiri.* For which reaſon the unfortunate *Goths*, when, in the Reign of *Teja* their laſt King, they were oblig'd by *Juſtinian* to abandon *Italy*, having recourſe to the *French* for Aſſiſtance; among other Things which they inſiſted on to move them to come to their Relief, told them, that what the *Romans* did to them now, would be what they would meet with in their turn; for now that their Power was at a very low Ebb, under ſpecious Pretexts they made War upon them, by alledging, that *Theodorick* invaded *Italy*, which belong'd to the *Romans*: *Cum tamen*, ſaid they, as *Agathias* [3] has it, *Theodoricus non ipſis nolentibus, ſed Zenonis quondam Imperatoris conceſſu veniſſet in Italiam, neque eam Romanis abſtuliſſet, qui pridem eam amiſerant, ſed depulſo Odoacro invaſore peregrino, belli jure quæſiviſſet quæcunque ille poſſederat.*

AND the Emperor *Zeno* being dead, *Anaſtaſius*, who ſucceeded him in the Empire of the Eaſt, was of the ſame Opinion with his Predeceſſor, owning him for a juſt and lawful Prince; for tho' in the *Anonymus Valeſianus* we read, as 'tis related by *Pagi* in his *Diſſertatione hypatica de Conſulibus*, that the *Goths*, *Odoacre* being dead in the Year 493. *Sibi confirmaverunt Theodoricum Regem, non expectantes juſſionem novi Principis* (meaning *Anaſtaſius*, who had then ſucceeded *Zeno*) which, as *Pagi* [4] obſerves, was unknown before that Time: Nevertheleſs we ſee in the Letters of *Caſſiodorus*, that *Anaſtaſius* approved of that which the *Goths* had done by their own Authority; ſo that while he lived he maintain'd a firm and laſting Friendſhip with *Theodorick*, exhorting him always to love the Senate, to uſe the Laws of the *Roman* Princes his Predeceſſors, and endeavour to maintain a ſettled and ſecure Peace in *Italy* during his Reign; of which *Theodorick* aſſur'd him: as may be ſeen in his Letters, which we read in *Caſſiodore*, directed to *Anaſtaſius* [5].

JUSTINIAN himſelf, who drove the *Goths* out of *Italy*, could not but acknowledge the Reign of *Theodorick*, and the other Kings of *Italy*, his Succeſſors, both juſt and lawful; for after he had conquer'd it, by means of the two illuſtrious Captains *Beliſarius* and *Narſes*, he aboliſh'd all the Acts, Conceſſions, and Privileges of *Totila*, whom he reputed an Invader and Tyrant, but did not ſo by thoſe of this Prince and his Succeſſors [6].

INDEED tho' *Theodorick* was not pleaſed to aſſume the Title of Emperor, yet he was held for ſuch by all his People; and *Procopius* himſelf ſays, that he wanted nothing of that Decorum which belong'd to an Emperor; on the contrary, *Caſſiodore* thinks, that this Title was as due to him as to any of the moſt ſhining Emperors of *Rome*; and really this Prince, whether it was out of Reſpect to the Emperors of the Eaſt, or whether it was becauſe *Odoacre* took no other Quality but that of King, or whether it was that this ſtrange Nation, reckon'd the Title of King more advantageous and ſtrong, as denoting a Sovereignty altogether independent and free, than that of Emperor; he never took upon him the Title of Emperor of the Weſt, as *Charles the Great* did afterwards. And even, whether we regard the Extent of his Dominions, or the eminent Virtues with which he was adorn'd, he would no leſs have deſerv'd that Honour than *Charles the Great*. He poſſeſs'd *Italy*, with all its Provinces, and likewiſe *Sicily*. Neither was it this Part of *Europe* only that was under his Government; he held *Rhetia*, *Noricum*, *Dalmatia*, with *Liburnia*, *Iſtria*, and Part of *Suevia*; that Part of *Panonnia*, where *Sigetinez*, and *Sirmium* are ſituated, ſome Part of *Gallia*, for which he was often at War with the *French*; and laſtly, as Tutor to *Amalarick* his Nephew he govern'd *Spain*; ſo that *Jornandes* ſaid [1]: *Nec fuit in parte Occidua gens, quæ Theodorico, dum viveret, aut amicitia, ut ſubjectione non deſervirit.*

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[1] Ennodii panegyricus, apud Caſſiodor.

[2] Procop. lib. hiſt. Got.

[3] Agatia lib. 1.

[4] Pagi Diſſert. de Conſulib. pag. 300.

[5] Caſſiod. lib. 1. Ep. 1.

[6] Pragm. Sanctio Juſtin. poſt nov. c. 1, & 2.

THE Cuſtom of Anointing, and being crown'd by the Hands of the Biſhops of the Metropolitan Cities, was not as yet introduc'd into the Weſt. They had begun already in the Eaſt to practiſe this Ceremony; and in theſe very Times we read, that *Leo* the *Thracian*, after having been choſen Emperor by the Senate of *Conſtantinople*, was crown'd by *Anatolius* Patriarch of that City. If this Cuſtom had been found introduc'd into *Italy*, and if it had pleaſ'd *Theodorick* to have gone to *Rome*, and cauſ'd himſelf to be crown'd Emperor by Pope *Gelaſius*, as *Charles the Great* did by Pope *Leo* III. it would certainly have been ſaid now, that the Empire of the Weſt had been transferr'd from the *Romans* to the *Goths*, by the Authority of the *Roman* Apoſtolick See.

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[1] Jornand. de Reb. Get.

SECT. II.

The Roman *Laws retained by* Theodorick *in* Italy, *and his Edicts conformable to the ſame.*

BUT altho' this Prince was not pleaſ'd to aſſume the Title of Emperor of the Weſt, nevertheleſs he govern'd *Italy* and theſe our Provinces, not as a Foreign Prince, but in the ſame manner as all the other Emperors had done. He retain'd the ſame Laws, the ſame Magiſtrates, the ſame Polity, and the ſame Diſtribution of the Provinces. Firſt he divided the *Oſtrogoths* amongſt the fortified Places, with their Captains, that in Time of War they might command them, and in Time of Peace govern them, and, except as to Military Diſcipline, he gave to the *Romans* all Honours. In the firſt Place he commanded, That the *Roman* Laws ſhould be retain'd, inviolably obſerv'd, and have the ſame Force which they had under the other Emperors of the Weſt; ſo much did he reverence and reſpect them, that he often ſpeaks of them in *Caſſiodore* thus; *Jura veterum ad noſtram cupimus reverentiam cuſtodiri*; and elſewhere, *Delectamur Jure Romano vivere*; and in other Places, *Reverenda Legum antiquitas*, *&c.* [1] So that the *Roman* Pontiffs were exceedingly pleaſ'd with *Theodorick*, becauſe, like a wiſe and prudent Prince, he had retain'd the *Roman* Law in *Italy*. Thus *Gelaſius*, as *Gotifredus* relates it [2], or according to *Alteſerra* [3], *Symmachus* his Succeſſor, congratulated *Theodorick*; *Certe eſt magnificentiæ veſtræ, leges Romanorum Principum, quas in negotiis hominum cuſtodiendas eſſe præcepit, multo magis circa beati Petri Apoſtoli ſedem pro ſuæ felicitatis augmento, velle ſervari.* For which Cauſe, in the firſt five Books of *Caſſiodore*, which are compoſ'd of the Letters and Edicts of *Theodorick*, we ſee nothing ſo much recommended to the Judges and Magiſtrates, as the due Obſervance of, and Reſpect for the *Roman* Laws: and very many Conſtitutions

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[1] Caſſiod. lib. 3. cap. 43. & lib. 1. cap. 27.

[2] Got. in Prolog. ex Gelaſii PP. Ep. in Decreto Ivonis, par. 1. cap. 18. ad Theodor.

[3] Alteſ. rer. Aquit. lib. 3. cap. 14. ex Decreto Gratiani Can. certum 12. diſt. 10.

tutions of the *Theodoſian* Code, and many *Novellæ* of *Theodoſius*, *Valentinian*, and *Majorianus*, are quoted in theſe Books; of which the moſt exact *Gotifredus* in his *Prolegomena* to that Code, hath compos'd a long Catalogue [1].

NEITHER had this Prince any other Notion, but of ſupporting the Kingdom of *Italy* with theſe ſame Laws, and the ſame Spirit and Union with which *Honorius*, *Valentinian* III. and the other Emperors of the Weſt had govern'd it. Thus he explains himſelf to *Anaſtaſius* Emperor of the Eaſt, on that Head; *Quia pati vos credimus inter utraſque Reſpublicas, quarum ſemper unum Corpus ſub antiquis Principibus fuiſſe declaratur, aliquid diſcordiæ permanere; quas non ſolum oportet inter ſe otioſa dilectione conjungi, verum etiam decet mutuis viribus adjuvari. Romani Regni unum velle, una ſemper opinio ſit* [2]: For which Cauſe, no new Laws were introduced into *Italy* by *Theodorick*, becauſe he believ'd the *Roman* were ſufficient, by which it had been long govern'd. And altho' we have at this Day one of his Edicts [3], conſiſting of One Hundred and Fifty-four Heads (which we owe to the Care of *Peter Pitheus*, who caus'd it to be printed) however, excepting ſome Heads, which are branded for *Gothiſh* Rigor, ſuch as LVI, LXI, and ſome others, all the reſt are taken out of the *Roman* Laws, as *Theodorick* himſelf confeſſes in the End of it; *Nec cujuſlibet dignitatis, aut ſubſtantiæ, aut potentiæ, aut cinguli, vel honoris perſona, contra hæc, quæ ſalubriter Statuta ſunt, quolibet modo credat eſſe veniendum, quæ ex Novellis legibus, ac veteris juris Sanctimonia pro aliqua parte collegimus.* There is ſcarcely any Head of the foreſaid Edict, which appoints any thing that is not to be found in the *Roman* Laws; ſo that *Theodorick*, for corroborating his Orders or Prohibitions, often refers to them. Thus in the XXIVth Head, *Secundum legum veterum conſtituta*; and in the XXVIth, *Secundum leges*; and in the XXXVIth, *Legum cenſuram*, and elſewhere.

BUT what was commendable in this Prince was, that he would likewiſe have theſe Laws common not only to the *Romans*, but alſo to the *Goths* themſelves who lived amongſt the *Romans*, as is manifeſt by this his Edict, leaving to the *Goths* few of their own Laws, which were rather their own Cuſtoms, as being more uſed to them, than written Laws: But in Matters of Moment, ſuch as Succeſſion, Teſtaments, Adoptions, Contracts, Penalties, Crimes, and, in ſhort, in all that concern'd Publick or Private Right, the *Roman* Laws were common to all. Neither when a *Goth* had any Diſpute with a *Roman*, or a *Roman* with a *Goth*, would he allow the Judges to have regard to any other Laws for deciding their Controverſies, as *Theodorick*, in his Reſcript to a certain *Januarius* Preſident of our *Samnium*, expreſly order'd; *Intra itaque Provinciam Samnii, ſi quod Negotium Romano cum Gothis eſt, aut Gotho emerſerit aliquod cum Romanis, Legum conſideratione definias; nec permittimus diſcreto Jure vivere, quos uno voto volumus vindicare* [4]. Only when the Diſpute was betwixt *Goth* and *Goth*, he would have it decided by their own Judge, whom he appointed in each City, according to his own Edicts, which altho', as is ſaid, they contain'd ſomething of *Gothiſh* Diſcipline, however they did not differ much from the *Roman* Laws; but from that the *Romans* were exempted, ſince their Judges could only determine betwixt *Goth* and *Goth*: But if it fell out, that a *Roman* had likewiſe any Concern, either as Plaintiff or Defendant, be that as it wou'd, they were to have recourſe to the *Roman* Magiſtrate: And in this Manner was the *Formula* of the *Comitia* conceiv'd by *Theodorick*, which he gave to thoſe whom he choſe as Judges of the *Goths* in each Province, related by *Caſſiodore* in his Seventh Book, amongſt his many other *Formulæ* [5].

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[1] Got. in Proleg. cap. 3.

[2] Caſſiod. lib. 1. ep. 1.

[3] Edict. Theod. in Operib. Caſſiod.

[4] Caſſiod. lib. 2. var. ep. 13.

[5] Ibid. lib. 7. cap. 3.

SECT. III.

The ſame Polity, and Magiſtrates retain'd by Theodorick *in* Italy.

AS *Theodorick* took great Care to retain the *Roman* Laws in *Italy*, ſo his Study for preſerving the ſame Form of Government, was certainly no leſs, as well in what concern'd the Diſtribution of the Provinces, as of the Magiſtrates and Dignities. He having found the Imperial Seat tranſlated to *Ravenna*, by *Honorius* and *Valentinian* his Predeceſſors, who had not fix'd it there by Chance, and to be far from *Rome*, but to be near at hand, and ready to put a Stop to the Irruptions of the *Barbarians*, who in that Part broke in upon the Borders of *Italy*; he likewiſe reſided there. Therefore the Complaints of the *Romans* were unjuſt and unreaſonable, when they complain'd of him for having fix'd his Reſidence in *Ravenna* and not in *Rome*: For he left Tokens of his Love to that famous City, by adorning it with publick and fair Monuments of his Grandeur and Royal Spirit, and, out of his Magnificence, ſurrounding it with ſtrong and ſecure Walls. His Love and Reſpect for the *Roman* Senate was no leſs, as the ſo many affectionate Letters directed by him to that Body, full of Eſteem and Reſpect, which we read in *Caſſiodore*, do teſtify. In *Ravenna* then, did he fix his Royal Reſidence, as his Predeceſſors had done; from whence he ruled *Italy* and theſe our Provinces, which now make the Kingdom of *Naples*, by the ſame Magiſtrates by whom they had been govern'd, during the Time of the *Roman* Emperors.

ALTHO' under his Government a few Alterations were made of ſome of the Magiſtrates and Officers of the Palace and Kingdom, without any Change of Titles or Dignities; nevertheleſs, he retain'd very many of them, tho' not altogether with Power and Juriſdiction, like thoſe of the *Romans*, yet they were much the ſame in effect. He retain'd the Senators, Conſuls, Patricians, *Præfectus Prætorio*, Præfects of the City, and Quæſtors. He retain'd the *Conſulares*, *Correctores*, *Præſides*, and many others. Some little Difference there was in the leſſer Officers, it being the Cuſtom of the *Goths* to ſend to every little City, *Comites*, and particular Judges, for the Adminiſtration of the Government and Juſtice, and to create ſome other Officers, whoſe Titles are not known in the *Notitia* of the Dignities of the Empire.

BUT if we will follow the Opinion of the moſt accurate *Hugo Grotius* in this Variety of Magiſtrates introduc'd by the *Goths*, we muſt ſay, they were much more to be commended in that, than the *Romans* themſelves, becauſe ſays he, the *Romans* had many Titles of Dignity altogether vain and groundleſs: *Multa apud Romanos ejuſmodi inani ſono Conſtantia, Vacantium, Honorariorum*, &c. [1]. On the contrary, the *Goths* had quite different Sentiments, as we read in *Caſſiodore* [2]: *Grata ſunt omnino nomina, quæ deſignant protinus actiones, quando tota ambiguitas audiendi tollitur ubi in Vocabulo concluditur, quid geratur.* Beſides *Grotius* conſider'd, that the *Romans* ſent a *Conſularis*, or a *Præſes* to every Province, who was to have the Government and Care of all the Cities and Caſtles of that Province, many of which were at a great Diſtance from his Place of Reſidence; whence it fell out, that it not being in the Power of the *Præſes* to be preſent in every Place, the People were put to immenſe Charges, being oblig'd to have recourſe to him from the moſt remote Parts. The *Goths* went another way to work; tho' every Province had its *Conſularis*, *Corrector*, and *Præſes*: Nevertheleſs not only to the more principal Cities, but likewiſe to every little Caſtle, *Comites*, or other inferior Magiſtrates were ſent, who were faithful, uncorrupted, and approved of by the Conſent of the People, in order to diſtribute Juſtice, and take Care of the Tributes and other Affairs of thoſe Places.

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[1] Grot. in Proleg. ad Hiſt. Gothor.

[2] Caſſiod. lib. 6. cap. 7.

SO that this Diſpoſition of Magiſtrates, which to this Day is obſerv'd in our Kingdom, of ſending Governors and Judges to every City, is not owing to the *Romans*, but to the *Goths*.

AND if the like Strictneſs and Care were practis'd in our Time, which in that of *Theodorick* was uſed in the choice of ſuch Magiſtrates, that is to ſay, in ſending Men of known Integrity and Learning, and acceptable to the People, and allowing no Appeals to other diſtant Tribunals, but when the Weightineſs of the Matters, and the manifeſt Injuſtice requir'd it, certainly theſe our Provinces would be freed of an infinite Number of Law-Suits, and heavy Expences which now they labour under. On which account many Writers extol the Government of the Eaſtern People, and thoſe of *Africa*; and with reſpect to our common Law-Suits we uſed to envy them, becauſe that not only in the Cities, but in every little Caſtle, they have their Judges always ready and prepar'd, and Law Pleas are no ſooner begun, but they are immediately determin'd, and ſeldom, or never, admit of Appeals; becauſe the People, having their Magiſtrates in due Veneration, ſoon reſt ſatisfied with their Decrees, and ſuffer more willingly, that the Goods in Diſpute be taken from them, than to go to diſtant Courts of Juſtice to complain, with greater Charges, and Uncertainty of gaining the Cauſe, and often in fear of loſing it; and they reckon it to be more for their Advantage to have ready and quick Injuſtice, than languiſhing and ſlow Juſtice. Wherefore *Clenardus* [1] having left *Europe*, and taken up his Reſidence in *Africa*, in the Kingdom of *Fez*, uſed to write to many of his Friends in *Europe*, that he did not envy them the Magnificence and Grandeur of ſo many fine Cities, becauſe he was no more obliged to go to Courts of Juſtice to be toſs'd up and down amongſt ſo many wicked People, full of Cavils; for where he was, there was no occaſion for pratling Lawyers: But if there happen'd any Diſpute among thoſe *Africans*, the Judge was always ready to decide it, and they never went home before it was determin'd. But that, as Matters ſtand, is rather to be wiſh'd for than expected; for the Diſeaſe is in the Root: Beſides, that in the Election of Magiſtrates, theſe Qualifications are no more to be expected, which perhaps in thoſe Times, which we now call Barbarous, were punctually requir'd: And what was then a Remedy, would now become deadly Poiſon; ſeeing from the Time of *Alphonſus* I. King of *Arragon*, the Diſeaſe was ſpread, by granting to the Barons of the Kingdom all Juriſdiction and Command. And at preſent there are more Governments depend on them, than on the King, and the greateſt Part of the Kingdom is govern'd by them *prima inſtantia*; wherefore it were expedient to lay aſide the Cuſtom of having recourſe to ſuperior Tribunals, which we obſerve at preſent: Seeing the Deſign of *Charles* VIII. King of *France*, while he govern'd this Kingdom, of taking from the Barons all Juriſdiction and Command, and rendring them like thoſe of *France* and other Countries of *Europe* [2], could not be put in Practice.

BUT to return to where we left off: The *Goths*, as they are repreſented to us in the Books of *Caſſiodore*, were very wary in the Choice of their Magiſtrates, and no leſs in the Election of the greater Officers, than in that of the leſſer, which they ſent to each City, in which they were very careful; whence we read in *Caſſiodore* of ſo many new Officers, ſuch as Chancellors, *Canonicarii*, *Comites*, and *Referendarii*; and the ſo many ſet Forms, by which ſo many and different Dignities were conferr'd on Subjects of known Goodneſs and Learning. *Petrus Pantinus* [3] wrote a Book, not deſpicable, of the Dignities of the *Gothiſh* Court: But as *Grotius* [4] has obſerv'd, he might have ſaved himſelf that Labour, becauſe they are all to be found in the ſixth and ſeventh Book of *Caſſiodore*, where they are all repreſented and deſcrib'd.

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[1] Clenardi Epiſtolæ ad Arnoldum Streyterium, & ad Jacobum Latonum A. 1541. Geo. Paſquius de Nov. inv. de varia fortun. Doct. Juris.

[2] V. Afflict. in prælud. ad Conſtit. Reg. Phil. Comin. Koppin. de Demanio Franciæ.

[3] Pet. Pantinus de Dignit. Goth. Aulæ.

[4] Grot. in Proleg. ad hiſt. Gothor.

SECT.

SECT. IV.

The ſame Diſpoſition of the Provinces retain'd by King Theodorick.

THIS Prince retain'd the ſame Diviſion of the Provinces of which *Italy* was made up under the Empire of *Conſtantine*, and his Succeſſors: They were in Number the ſame as in *Adrian*'s Time; to wit, Seventeen: Neither was that which we now call the Kingdom of *Naples*, divided into more Provinces than four; they were the ſame under the Dominion of *Theodorick*, I. *Campania*, II. *Calabria* with *Puglia*, III. *Lucania* and the *Brutii*, IV. *Samnium*. For the Government of *Campania*, *Conſulares* were ſent as formerly; to the other two *Calabria* and *Lucania*, *Correctores*; and to *Samnium*, *Præſides*.

Of CAMPANIA *and its* Conſulares.

THE firſt *Conſularis* of *Campania*, which we find in the five Books of *Caſſiodore* [1], was a certain *John*, to whom *Theodorick* ſent a Letter, in which he ſo much recommends Juſtice, and the Care of the Publick Welfare, honouring him with this Title *Viro Senatori*, and the Inſcription is thus: *Joanni V. S. Conſulari Campania, Theod. Rex.* To the ſame *John*, *Theodorick* directed that his Edict, which we read alſo in *Caſſiodore* [2], by which he moſt ſeverely prohibited that moſt wicked Cuſtom, which had been introduc'd into *Campania* and *Samnium*, that the Creditor, without publick Authority, but at his own Hand, ſeiz'd on the Goods of the Debtor for a Pledge, neither did he reſtore them till he was paid the Debt; and very frequently the Goods, not of his Debtor, but of his Friend, Neighbour, or Relaiton, were ſeiz'd, which in *Italy* are call'd Repriſals: Which Cuſtom was ſeverely forbidden, and the Penalty of loſing the Debt was impoſed, and reſtoring the double, in caſe the Repriſal had been made, not on a Debtor, but on a Friend or Relation. The Emperor *Zeno* had done the ſame in the Eaſt, by ſuch another Conſtitution of his [3]: Therefore *Theodorick*, who deſign'd to govern *Italy* by the ſame Maxims, would imitate him: *Juſtinian* afterwards renew'd it in his *Novellæ* [4]. Neither would *Theodorick* ever allow ſuch Violence to be practis'd in his Kingdom; but that Creditors, as the *Roman* Laws likewiſe preſcrib'd, ſhould try their Rights by the legal Way of publick Judgment.

THIS Prince finding himſelf exhauſted by the Wars which he had had for ſome Time with the *French*, had occaſion to provide his Armies with all Sorts of Victuals out of this Province; on which Occaſion we ſee another of his Edicts [5], ordering the Maſters of Ships in *Campania*, to carry thoſe Proviſions into *Gallia*. He deſign'd to have impos'd other Burthens on it, but *Boetius Severinus* begging an Eaſe for that Province [6], and laying before him the many Miſeries, Afflictions and Deſolations, which it had ſuffer'd by the Invaſion of the *Vandals*; *Theodorick* moſt graciouſly granted it Indulgence, neither would he lay any more new Burthens on it; on the contrary, the Inhabitants of *Campania*, and particularly the *Neapolitans* and *Nolans*, having ſuffer'd great Damage, at that Time by the Irruption of *Veſuvius*, he likewiſe freed them of their ordinary Tributes, which we ſee in *Caſſiodore* by another of his Edicts [7]; in which the roaring Noiſe, the terrible Clouds, and the Torrents of Fire which this Mountain uſes to vomit forth, are ingeniouſly and lively deſcrib'd. *Caſſiodore* is admirable at ſuch Deſcriptions; but what is unpardonable in him, is, that beſides his making uſe of ſome bold *Hyperboles*, and ſome *Metaphors* immoderately licentious, he brings in *Theodorick* ſpeaking after ſuch a manner, that 'tis not poſſible to know, whether he intended to make Laws, and provide for the Neceſſities of his Provinces, which was his Scope, or act the Part of a Declaimer, for he often introduces him ſpeaking at ſuch a ſtrange rate, that it would not be ſufferable, even in the moſt high-ſoaring Panegyriſt of our Times.

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[1] Caſſiod. lib. 3. cap. 27.

[2] Caſſiod. lib. 4. cap. 10.

[3] L. un. Nullus ex vicanis pro alien. vican. deb. ten. lib. 11.

[4] Novel. 52. & 134.

[5] Caſſiod. lib. 4. cap. 5.

[6] Petrus Bertius in vita Boetii.

[7] Caſſiod. lib. 4. cap. 50.

CAMPANIA had truly ſuffer'd inſupportable Damages, when *Genſerick*, with a powerful Army from *Africa*, invaded *Italy*. It was cruelly uſed at that Time by the *Vandals*; the Country was laid waſte, and *Capua*, the Metropolis, barbarouſly pillaged, and almoſt quite deſtroy'd. *Nola* underwent the ſame Calamities, and many other Cities. *Naples*, by reaſon of its Situation, was ſafe from the Fury of thoſe Barbarians. A City at that Time, tho' little, yet well defended by the Valour of its Citizens, its Situation, and more by the ſtrong Walls which ſurrounded it. And by this alternate Fortune which happen'd to them, it fell out afterwards that many Cities of theſe our Provinces, from Great became Small, and from Small Great; whence it likewiſe came to paſs, that *Capua*, and many Cities of this Province, being ruin'd, *Naples* by Degrees began to raiſe itſelf above all the reſt; and in the Time of the *Greeks* and *Longobards*, became the Head of a great Dukedom.

IN the Reign of *Theodorick*, we do not read of any other City of this Province, that was ſo well pleaſed with the Government of this Prince as *Naples*; nor any that by their Devotion and obliging Behaviour towards him, gave ſo many and conſpicuous Marks of their Fidelity and Reſpect. No ſooner had he mounted the Throne, than the *Neapolitans* erected his Statue in their largeſt Market-Place; the ſame, which afterwards was the ominous Preſage of the unfortunate End of the Government of the *Goths* in *Italy*; for, as *Procopius* [1] relates, the *Neapolitans* having rais'd this Statue, made with wonderful Art of ſmall Pebbles of various Colours, and ſo well join'd together, that they repreſented the Image of this Prince to the Life, while he was yet alive the Head of this Statue fell of itſelf, and the joining of the Pebbles giving way, it broke to pieces; and not long after, the Death of this Prince was heard of in *Naples*, and that *Athalarick* his Nephew had ſucceeded him. In the eighth Year of this Prince's Reign, on a ſudden that which compos'd the Belly likewiſe gave way, and fell to pieces, and at the ſame Time the News of the Death of *Athalarick* was brought. Not long after, that of which the Genitals were made dropp'd off, when the Account of the Death of *Amalaſunta*, the Daughter of *Theodorick* came. But when at laſt the *Goths* beſieg'd *Rome*, in order to retake it, all the Materials of which the Thighs and Feet were form'd, fell to the Ground, nothing remaining where the Statue had been plac'd: From which Event the *Romans* conjectur'd, that the Army of the Emperor of the Eaſt would be Victorious; interpreting the Feet of *Theodorick* to denote the *Goths* whom he had govern'd: And this vain and ridiculous Preſage, was of ſuch Weight among the Vulgar, who are generally more moved by ſuch Things, than by any fine Speech of a Captain, and animated them ſo, that it gave them no ſmall Hopes of Victory. And what contributed likewiſe to it, was, ſome *Sibylline* Verſes, put forth by ſome *Roman* Senators, very well adapted for impoſing upon the People; the Senſe of which, as *Procopius* well conſider'd, before the Event of the Things, was not to be conceiv'd in the leaſt by human Underſtanding; becauſe they were ſo diſorder'd and confuſ'd, and truly Enthuſiaſtical, that ſkipping from the Miſfortunes that were to befall *Africa*, to thoſe of *Perſia*; from thence, after mentioning the *Romans*, they immediately ſpeak of the *Aſſyrians*; and returning to the *Romans* again, they laſtly ſing of the Calamities of *Britain*: And afterwards when they had ſeen the Event, they publiſh'd a thouſand favourable Interpretations, fancying they had diſcover'd the Senſe of the obſcure and fantaſtical Verſes.

BUT let us return to our Subject; *Naples* was very faithful and devoted to *Theodorick*; and on the other hand, that Prince treated the *Neapolitans* with no leſs Marks of Love and Gratitude; and it was no ſmall Mark of Reſpect, that amongſt the Forms of the *Comitivæ* of the firſt Order, which *Theodorick* uſed to give to thoſe to whom he committed the Government of ſome famous City, we read yet in *Caſſiodore* [2] that which was appointed for *Naples*; for this Author relates only the Forms which were given to Perſons appointed to govern the greater, but not the leſſer Cities. We only read thoſe of *Syracuſe*, *Ravenna*, *Rome* and other conſpicuous Places:

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[1] Procop. lib. 1. hiſt. Got.

[2] Caſſiod. lib. 6. cap. 24.

As for the other ſmaller Cities, there's a general one only, which we read ſerves for them all; and the *Comitivæ*, which were given for the Government of theſe, were not of the firſt, but of the ſecond Order, as is clear from the Form itſelf in *Caſſiodore* [1]. Neither are the Prerogatives of this City forgot in the *Comitiva* (or if we may name it in the Language of the preſent Times, the *Schedule* or *Patent*) nor its Pleaſures, its Excellency, its extenſive Commerce, its large Authority and Juriſdiction which he grants it; nor the Majeſty of its Tribunal, it is call'd [2], *Urbs ornata multitudine Civium, abundans marinis, terreniſque deliciis: Ut dulciſſimam vitam te ibidem inveniſſe dijudices, ſi nullis amaritudinibus miſcearis: Prætoria tua Officia replent, militum turba cuſtodit. Conſcendis gemmatum Tribunal, ſed tot teſtes pateris, quot te agmina circumdare cognoſcis. Præterea littora, uſque ad præfinitum locum data juſſione cuſtodis. Tuæ voluntati parent preregrina commercia. Præſtas ementibus de pretio ſuo, & gratiæ tuæ proficis, quod avidus mercator acquirit. Sed inter hæc præclara faſtigia, Optimum eſſe judicem decet*, &c. Neither are the Expreſſions of this Prince leſs affectionate, in the Letter which he uſually ſent by the Perſon he had appointed to be Governor, recommending him to the City of *Naples*; for the Form of which we are indebted to *Caſſiodore* [3]; neither muſt it be forgotten, that *Theodorick* allow'd the *Neapolitans* the ſame Form of Government they had in the Time of the *Romans*, that is to ſay, a Court or Senate, as formerly, wherein the Affairs of that City, with reſpect to the *Annonæ*, the Repairing of the Streets, and other Matters concerning the Government of it, was taken Care of; he only took from the *Decuriones*, the Power of electing Magiſtrates, and gave it to the Governor, or *Comes* whom he ſent thither. This City had likewiſe its Chancellor, whoſe Charge or Function is deſcrib'd by *Caſſiodore* in the eleventh and twelfth Books of his Works [4].

Of Puglia, *and* Calabria, *and their* Correctores.

AS *Theodorick* did not make any Alteration in *Campania* among the chief Magiſtrates, leaving the *Conſulares* in it, as it had under the *Romans*; ſo he was pleas'd not to change them in the Provinces of *Puglia* and *Calabria*: Neither did he divide *Puglia* from *Calabria*, as to the Government, nor did theſe Provinces change their Names, as they did in after-times: They were govern'd by one *Moderator*, altho' he ſent particular *Comites*, or Governors to each City, according to the commendable Cuſtom of the *Goths*.

THE firſt *Moderator* of *Puglia* and *Calabria*, which we meet with in the firſt five Books of *Caſſiodore*, was a certain *Feſtus* or *Fauſtus*, as others read; we ſee a Letter directed by *Theodorick* to him [5], by which he grants to the publick Dealers, an Exemption from Toll and Cuſtoms; and 'tis worthy of Obſervation, with what graceful and comely Titles he treats this Miniſter.

Theodorick took particular Care of this Province and its Fields, and made many wholeſom Regulations concerning it, as may be obſerv'd in many Places of *Caſſiodore* [6]. Amongſt the moſt conſpicuous Cities of *Puglia*, *Sipontum* was once one, of which there's ſcarcely any Veſtige to be ſeen at this Day: a City ſo ancient, ſo noble, and powerful, that the *Sipontines*, in after-times, were able to make War with the *Neapolitans* and the *Greeks*, of which we ſhall ſpeak in its Place. This City was not exempted from the common Calamities, which *Italy* ſuffer'd from the Irruption of the *Vandals*, and the Tyranny of *Odoacre*; its Citizens, in the three laſt Years of the War, which *Odoacre* maintain'd with *Theodorick*, becauſe they had ſubmitted to this Prince, were cruelly treated by *Odoacre*, and their Fields deſtroy'd, inſomuch that the Merchants being reduc'd to great Extremities, had recourſe to the Clemency of *Theodorick*, deſiring to be free of Tribute, and to have ſome Indulgence from their Creditors; it was compaſſionately granted by this Prince, that for two Years they ſhould be exempted from Tribute, and not moleſted by their Creditors, as appears by another Letter directed to the foreſaid *Fauſtus*

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[1] Caſſ. lib. 2. cap. 26.

[2] Caſſ. lib. 6. cap. 23.

[3] Caſſ. lib. 6. cap. 24.

[4] Caſſ. Var. l. 11. c. 37. & lib. 12. c. 1. & 3.

[5] Caſſiod. lib. 2. cap. 26.

[6] Caſſ. lib. 5. cap. 7. & 31.

Moderator of this Province, or as others will have it to *Atemidorus*, which we ſee in *Senator* [1].

Of Lucania *and the* Brutii, *and their* Correctores.

THE Provinces of *Lucania* and the *Brutii* are next, in the Government of which *Theodorick* likewiſe alter'd nothing. They kept their *Correctores*, neither were the *Brutii* divided from *Lucania*, but continued under one *Moderator* as formerly. *Rhegium* was their Seat; whence it is, that in *Caſſiodore* [2], the Citizens of this City are recommended to *Anaſtaſius*, Chancellor of *Lucania* and the *Brutii*, and the Origin of the Name of *Rhegium* is deſcrib'd; *Rhegienſes Cives, ultimi Brutiorum, quos a Siciliæ Corpore violens quondam maris impetus ſegregavit, unde Civitas eorum nomen accepit; diviſio enim* ρηγμος *Græca lingua vocitatur, &c.*

IT ought not to be look'd upon as a ſmall Honour to this Province in the Reign of *Theodorick*, that it had *Caſſiodore* himſelf for *Corrector*, who was the chief Perſonage of this Age, on whom *Theodorick* profuſely heap'd all ſort of Honours, which with his Royal Hands he could diſpenſe. In the Beginning of his Reign, the Affairs of *Sicily*, by reaſon of the new Government, being yet doubtful, *Caſſiodore* was pitch'd upon for the Government of that Iſland; where having given ſufficient Proofs of his excellent Talents, he was ſent to *Lucania* and the *Brutii* to be *Corrector* of this Province; not long after, he was made *Præfectus Prætorio*; and laſtly was advanc'd to the ſupreme Honour of *Patriciate* by *Theodorick* [3], which is clear from the Form which *Caſſiodore* has inſerted in his Book [4]; from which without doubt may be gather'd, as *Barrius*, *Fornerius*, *Romeus*, and many other Authors have written [5], that *Brutium*, and properly *Squillace*, was the native Country of ſuch a noble Genius; and we ought to give the due Praiſe to his Soil for having produc'd ſuch a noble Plant, and it may be likewiſe concluded from the Words of *Theodorick*; *Sed non eo præconiorum fine contenti, Brutiorum, & Lucaniæ tibi dedimus mores regendos: ne bonum, quod peregrina Provincia* (meaning *Sicily*) *meruiſſet, genitalis ſoli fortuna neſciret.*

AFTER *Caſſiodore*, under the ſame Prince, *Venantius* was *Corrector* of *Lucania* and the *Brutii*, to whom *Theodorick* wrote that Letter, in which he charges him with the Collection of the Tributes of this Province; thus we read it in *Caſſiodore* [6], *Venantio viro Senatori Correctori Lucaniæ, & Brutiorum, Theod. Rex.* There's honourable mention made of this ſame *Venantius* by *Theodorick* in this his Edict [7] directed to *Adeodatus*, where we read; *Viri Spectabilis Venantii Lucaniæ & Brutiorum Præſulis* [8]; and of the *Corrector* of this Province we likewiſe read, in *Caſſiodore*, theſe Words, *Corrector Lucaniæ, Brutiorumque. Lucania* and *Brutium* had their Chancellor likewiſe, as may be ſeen in *Caſſiodore* [9].

THE Maſters of Ships of *Lucania*, as well as thoſe of *Campania*, were, by *Theodorick*, likewiſe order'd to tranſport Proviſions to *France*, as we read in *Senator* [10]. Neither was this Province neglected by *Athalarick* his Nephew. He took ſpecial Care, that a Fair which was held in theſe Times, and to which a great Number of the People of the other Provinces went, and a great Feſtival, which was celebrated on St. *Cyprian*'s Day, ſhould not be diſturb'd; which gave Occaſion to *Caſſiodore* [11], as elſewhere [12] he did the Fountain of *Arethuſa* in the Territory of *Squillace*, to deſcribe the wonderful Fountain *Marcilianus* which was in *Lucania*, and in the Deſcription of it, according to his wonted Stile, he makes uſe of all his bold Strokes and Hyperboles; and, which is more, puts them in the Mouth of a Prince who had no other Scope, but by ſevere Edicts to forbid the diſturbing of ſuch a Solemnity by perverſe and wicked Men.

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[1] Caſ. lib. 2. c. 37.
[2] Ibid. lib. 12. c. 14.
[3] Ibid. lib. 1. c. 3.
[4] Ibid. lib. 12. c. 15.
[5] P. Garetus in Vita Caſſiod.
[6] Caſ. lib. 3. c. 8.
[7] Ibid. lib. 3. c. 46.
[8] Juret. id eſt, Correctoris.
[9] Caſ. lib. 2. cap. 39. & lib. 12. cap. 12, 14, & 15.
[10] Ibid. lib. 4. cap. 5.
[11] Ibid. lib. 8. cap. 33.
[12] Ibid. lib. 12. cap. 15.

Of Samnium, *and its* Præſides.

IN the laſt Place is *Samnium*, a Province; as by the *Romans*, ſo by *Theodorick* honour'd with no other but a *Præſes*. We read in *Caſſiodore* [1], that *Theodorick*, at the Deſire of the *Samnites*, ſent a certain *Januarius*, or as others read it [2] *Sunhivadus*, to be *Moderator* or Judge of this Province; enjoyning him, that if any Controverſy ſhould fall out in it betwixt the *Romans* and the *Goths*, or betwixt the *Goths* and the *Romans*, to decide it by the *Roman* Laws; being unwilling to allow, that the *Romans* ſhould live with the *Goths* under various and different Laws, whoſe Words we have quoted already upon another Occaſion. This Province had likewiſe its Chancellor, as is clear from *Caſſiodore* [3]; and *Theodorick* makes mention of *Samnium* elſewhere [4]; ſo that there is not a Province of thoſe which now make the Kingdom of *Naples*, which *Theodorick* did not carefully provide for, giving them juſt and neceſſary Means for their good Government, which we ſee in the Records that are now remaining of this Prince; for all which, among other Writers, we are indebted to *Caſſiodore*.

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[1] Caſ. lib. 3. cap. 13.

[2] P. Garet.

[3] Caſ. lib. 11. cap. 36.

[4] Ibid. lib. 5. cap. 27.

SECT. V.

The ſame Codes retain'd, and the ſame Conditions of Perſons and Inheritances.

FROM whence we may clearly perceive, that our Provinces, when the *Roman* Empire of the Weſt was extinct, altho' they came under the Dominion of the *Goths*, yet did not ſuffer thoſe Changes which uſually happen under the new Government of Foreign Nations. There were no new Laws introduced into them, but they retain'd the *Roman*; and the Common Law of our Inhabitants was that of the *Romans*, which is now contain'd in the *Gregorian* and *Hermogenian* Codes, and above all in the *Theodoſian*; and in the Body of the *Novellæ* of this Emperor, *Valentinian*, *Martian*, *Majoran*, *Severus*, and *Antemius*, his Succeſſors: And full Authority and Force was given to the Books of thoſe Civilians whom *Valentinian* made Choice of.

THERE was no new Form of Government introduced, and the ſame Officers were continu'd; neither was the Variation of Magiſtrates ſo great, but the moſt conſpicuous and ſublime Dignities were preſerv'd: For it was the Notion of *Theodorick*, and afterwards of his Succeſſor *Athalarick*, to govern *Italy*, and theſe our Provinces with the ſame Spirit and Form by which the Empire was govern'd under the Emperors; and it is the firm Opinion of our Writers, that the Affairs of *Italy*, under his Reign, were more quiet and peaceable than in the Reigns of the laſt Emperors of the Weſt, and that he was the firſt who baniſh'd ſo many Miſchiefs and Diſorders.

WHENCE it came to paſs, that altho' theſe our Provinces paſſed from the *Romans* under the Dominion of the *Goths*, nevertheleſs the People did not become liable to the ſame Servitude that thoſe of other Provinces of the *Roman* Empire, conquer'd by other Nations, underwent. Thus *Gallia*, when it was vanquiſh'd by the *French*, was treated as a conquer'd Country; it being certain, that they made themſelves Maſters both of the People and Lands of it, that is to ſay, they made themſelves perfect Lords, as well of the publick Dominion, as of the Property and private Inheritance [1]; and, as to the Perſons, they made the

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[1] Loyſeau, de Sign. cap.

Natives of the Country Slaves, not by intire Slavery, but ſuch as the *Romans* call'd *Cenſiti*, or *Aſcriptitii*, or Colonies condemn'd to the Plough [1]. The *Goths* did not treat *Italy*, *Sicily*, and theſe our Provinces after that manner, but left the Condition of the Perſons untouch'd; for they were not govern'd by a Foreign Prince, but by a King who valued himſelf upon living after the *Roman* manner, and keeping the ſame Laws and Inſtitutions which the *Romans* had: Altho' there were in many Villages of our Provinces ſome of thoſe *Aſcriptitii* and *Cenſiti* (as there were likewiſe Slaves, becauſe in the Time of the *Goths* the Uſe of them had not been aboliſh'd [2]) or their Off-ſpring, in the ſame manner as they were under the *Romans*, of whom there are many Veſtiges in the *Theodoſian* and *Juſtinian* Codes, whom the ſucceeding Ages call'd *Angari* and *Paraganri* [3]; which is confirm'd by an Event, related by *Hugo Falcandus*, in *Sicily*, in the Time of *William* II. which was this; The Citizens of *Caccamus* having complain'd to the King againſt *John Lavardin* a *Frenchman*, who had oppreſs'd them by exacting the Half of their Income, according to the Cuſtom of *France*, as he ſaid; and theſe Complaints being reported to the Chancellor *Stephen Partius*, likewiſe a *Frenchman*, who gave no Redreſs; his Enemies incenſed all the *Sicilians* againſt him, who cried out, That they were free, and were not to be treated after the Cuſtom of *France*; *Ut univerſi populi Siciliæ redditus annuos, & exactiones, ſolvere cogerentur juxta Galliæ conſuetudinem, quæ Cives liberos non haberet.*

AND as for the Inheritance, and the Lands of *Gallia*, the victorious *French* confiſcated them all, the State aſſuming to itſelf both the one and the other Dominion of them [4]. And excepting thoſe Lands which were reſerv'd for the King's Demains, they diſtributed all the reſt to the principal Chiefs and Captains of their own Nation; giving to one a Province, with the Title of a Dukedom; to another a Frontier Country, with the Title of Marquiſate; to ſome a City with its adjoyning Territories, with the Title of County; others got Caſtles and Villages with ſome Lands about them, with the Title of Barony, or Lordſhip of the Manor, according to every one's Merit, and the Number of Soldiers which they had under their Command; for they were given both to themſelves and their Soldiers. The *Goths* did not ſo in *Italy*, and in theſe our Provinces; for they left the Lands to the Poſſeſſors, neither did they diſturb any Perſons in their private Eſtates and Heritages; and the Provinces and Cities were govern'd by the ſame Officers, as formerly they had been under the Empire of *Valentinian*, and the other Emperors of the Weſt his Predeceſſors. Neither in *Italy*, nor in theſe our Provinces was the Cuſtom of Feodal Tenures, Dukedoms, or Counties introduc'd, except in the Kingdom of the *Longobards*, of which we ſhall treat in the fourth Book of this Hiſtory.

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[1] Cod. de Agric. & Cenſ. lib. 2. Connan. in Com. Jur. Civ. lib. 2. tit. C.

[2] Leo Oſtienſ. in Chronic. Caſſin. Gloſſator. in Notis, cap. 6. num. 532.

[3] Got. in Cod. Theod. lib. 8. tit. de Curſ. Pub. & Angar. lib. 4.

[4] Loyſeau, loc. cit.

SECT. VI.

Of the eminent Virtues of Theodorick, *and his Death.*

THEODORICK was truly endow'd with all thoſe rare and noble Virtues that ever adorn'd a moſt excellent Prince. For his Piety and Worſhip of the true God, he was extoll'd, with immenſe Praiſe, by *Ennodius* the Catholick Biſhop of *Pavia*: And altho' he was well inſtructed in the Chriſtian Religion, yet his Doctors had confounded and ſtain'd it with the peſtilent Hereſy of *Arius*, wherewith he and all the *Goths* were infected. This Fault is not to be laid to the Charge of the *Goths*, but of the *Romans* themſelves, and eſpecially of the Emperor *Valens*, who ſent

Arian Doctors to inſtruct this Nation in the Chriſtian Religion; ſo that *Salvianus* [1], that holy Biſhop of *Marſeilles*, call'd this Miſfortune of theirs, not a Fault of the *Goths*, but of the *Roman* Magiſtracy; and this holy Biſhop teſtifies, That they reckon'd this Error of theirs but as a greater Honour done to God; and for this their pious Belief and Motive, the *Goths* ought not to be reputed unworthy of the Catholick Faith; and if we compare their Works with thoſe of the Catholicks, they will be found to exceed them very far in Goodneſs and Juſtice, in Veneration of Churches, in Faith, Hope, and Charity: Whence it is, that *Socrates* [2], the Writer of the Eccleſiaſtical Hiſtory, gives the Title of Martyrs to many *Goths*, who were kill'd by the *Pagans* for their Religion, as thoſe, who with a ſingle and devout Heart were dedicated to Chriſt their Redeemer. And if the *Goths* fell into this Error by the Fault of another, that Blot was waſh'd away and recompens'd by the Merit of *Riccaredus*, who purg'd all *Spain* from *Arianiſm* with their Blood.

AND it was a ſingular Piety of the *Goths*, and eſpecially of *Theodorick*, his forbearing all Violence againſt his Subjects with reſpect to Religion; and altho' they were tainted with the *Arian* Tenets, yet for all that, he did not hinder his People to profeſs the Faith of the great Council of *Nice* [3]; for all the Time that *Theodorick* reign'd over *Italy* and theſe our Provinces, he not only allow'd his Subjects to profeſs the Catholick Religion, without any Moleſtation, but likewiſe permitted the *Goths* themſelves, if they had a mind to quit *Arianiſm* and embrace the Faith of *Nice*, freely to do it.

THE Piety of this Prince will be the more reſplendent, if we conſider, that altho' he did not profeſs the Catholick Faith, yet he had ſo much Care and Concern for it, that he would not allow any to be choſen for the Government of the Church, but Biſhops of known Probity and Learning, and ſuch he lov'd and reſpected; of which *Athalarick* his Nephew gives full Teſtimony, as we have it in *Caſſiodore* [4]; *Oportebat enim arbitrio boni Principis obediri, qui ſapienti deliberatione pertractans, quamvis in aliena Religione, talem viſus eſt Pontificem elegiſſe, ut agnoſcatis illum hoc optaſſe, præcipuè, quatenus bonis Sacerdotibus Eccleſiarum omnium Religio pullularet.*

WHENCE it was, as *Paul Warnefrid* and *Zonara* relate [5], that this great Schiſm having aroſe in the *Roman* Church in his Time, it was ſoon extinguiſh'd by his calling a Council, and Things reſtor'd to a firm and quiet Peace. We read likewiſe moſt ſevere Edicts of this Prince, and alſo of *Athalarick* his Nephew, by which all thoſe Ordinations of Biſhops were ſeverely prohibited, which, out of Ambition or by the Power of Money, were made, annulling them altogether, and reckoning them of no Force or Effect [6]; of which we ſhall diſcourſe more at large when we come to treat of the Eccleſiaſtical Polity of this Century. And beſides we read of *Theodorick*, that altho' he profeſs'd another Religion, he would have the Catholick Biſhops offer up Prayers for him to God, which he often thought availed him: For which Cauſe it ought not to ſeem ſtrange, as *Grotius* ſays, that *Silverius*, a *Roman* Catholick Biſhop, had been ſuſpected by the *Greeks*, as if he had been more willing and deſirous of the Dominion of the *Goths* in *Italy*, than of the *Greeks* themſelves.

AND 'tis to the Piety of this Prince we are indebted, that theſe our Provinces, which now make up the Kingdom of *Naples*, altho' they were under the Dominion of the *Arian Goths* little leſs than Seventy Years, yet were never moleſted with that peſtilent Hereſy, but retain'd the Catholick Faith as pure and untainted as their Fore-fathers had embraced it, and that afterwards they were able to ſtand their Ground againſt the frequent Incurſions of the *Saracens*, who in the following Time invaded them, and made War with them: Foraſmuch as *Theodorick* was pleas'd not only to leave it as he had found it, but to favour it, and to be its Keeper and Defender; by whoſe Example *Athalarick*, and the other *Goths* his Succeſſors were moved to act ſo, that during their Dominion it was neither moleſted, nor in the leaſt polluted.

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[1] Salvian. lib. 5. de Gubern. Dei.

[2] Socr. lib. 4. cap. 53.

[3] Grot. in Proleg. ad Hiſt. Goth.

[4] Caſ. lib. 8. cap. 14.

[5] Grot. loc. cit.

[6] Caſ. lib. 9. cap. 15.

WE have no occaſion to enlarge on the Juſtice, Humanity, Faith, and all the other moſt valuable and noble Virtues of this Prince, ſeeing *Caſſiodore* in his Books has given us ſuch a lively Idea of ſo polite, juſt, and clement a Reign, that *Grotius* upon good Grounds ſays[1]: *Planèque ſi quis cultiſſimi, clementiſſimique Imperii formam conſpicere voluerit, ci ego legendas cenſeam Regum Oſtrogothorum Epiſtolas, quas Caſſiodorus collectas edidit*; ſo that the *Goths* with good Reaſon could boaſt of this Praiſe to *Beliſarius*[2]: Neither was it without Reaſon, that *Theodorick* himſelf ſaid; *Æquitati fave: eminentiam animi virtute defende, ut inter Nationum conſuetudinem perverſam, Gothorum poſſis demonſtrare juſtitiam*: And elſewhere; *Imitamini certe Gothos noſtros, qui foris prælia, intus norunt exercere juſtitiam.* And the Study and Care of this Prince was ſo great in governing his Subjects with exact and perfect Juſtice, that he ſaid to them, He would demean himſelf ſo towards them, that they ſhould be ſorry they were not ſooner under the Empire of the *Goths*. *Procopius*, tho' a *Greek*, could not forbear extolling theſe his Royal and Super-excellent Virtues: He was the Preſerver of the Laws; juſt in appointing the Prices of the *Annonæ*; exact in ſettling the Weights and Meaſures; and in impoſing of Tributes his Equity was wonderful, and often on juſt Occaſions was ready to remit them: If his Soldiers on a March at any time wrong'd the Country People, *Theodorick* uſed to ſend Money to the Biſhops to reimburſe them of their Damages: If there was occaſion for Materials for Building of Ships, or Fortifying his Camps, he immediately paid the Value of them: He was moſt liberal to the Poor; and the greateſt Part of his Royal Imployment was in relieving and taking Care of the Orphans and Widows, of which *Caſſiodore* hath given us clear Evidence.

THE Moderation of this Prince, from the above-related Facts, is ſufficiently evident; and it being in his Power to ſubject the Vanquiſh'd to the Laws of the Conqueror, yet he allow'd them to enjoy the Laws under which they were born and brought up. He allow'd, that under his Reign *Rome* ſhould be govern'd by the ſame *Roman* Senate: That the *Romans* ſhould be judg'd by *Romans*; the *Goths* and *Romans*, by *Goth* and *Roman*: That they ſhould retain that Religion which they had ſuck'd in with their Milk[3], he was moſt averſe from introducing Novelties, they being always pernicious to the Commonwealth, and the Occaſion of great Diſorders.

HIS Temperance was call'd by *Ennodius* a Sacerdotal Modeſty; and, according to the Cuſtom of his Nation, he was moſt ſparing of his Food, and much more ſober in his Cloathing. In his Reign, the *Goths* were moſt continent and chaſte, neither were there Snares laid for Womens Virtue; *Quæ Romani polluerant fornicatione*, ſays *Salvianus*[4], *mundant Barbari caſtitate*: And elſewhere; *Impudicitiam nos diligimus, Gothi execrantur, puritatem nos fugimus, illi amant.* They liv'd on very ſimple Food, ſuch as Bread, Milk, Cheeſe, Butter, Fleſh, and frequently raw, only a little macerated with Salt. For Brevity's ſake, I paſs over his Royal Virtues. To this Day in *Rome* and *Ravenna*, the Monuments of his Magnificence in Buildings, Aqueducts, and other ſplendid Works are admir'd. His Valour, Fortitude, great Spirit, and Genius, always ready for noble and hard Enterprizes, are ſufficiently known by the Courſe of his gallant Atchievements from his Childhood upwards. A Prince moſt expert both in War and Peace; for in the one he was always Victorious, and in the other doing Good to the Cities and his People: and his Power arriv'd to that Pitch, that he could keep within their Bounds, without the Tumult of War, but only with his own Authority, all the barbarous Kings who had any Footing in the Empire; and for reſtoring *Italy* to its ancient Peace and Tranquillity, he built many Cities and Fortreſſes along the Point of the *Adriatick* Sea and the *Alps*, as Barriers againſt the Incurſions of new Barbarians: So that 'tis the conſtant Opinion of all Writers, that by his Power and Goodneſs, he not only freed *Rome* and *Italy*, but all the other Parts of the Weſtern Empire, from the continual Skirmiſhes which for ſo many Years, by ſo many Inundations of *Barbarians* they had endur'd, and reduc'd them to good Order and a happy State.

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[1] Grot. in Proleg. ad Hiſt. Got.

[2] Procop. Hiſt. Goth.

[3] P. Garet. in Vita Caſ. par. 1. §. 12.

[4] Salvian. loc. cit.

I KNOW there are ſome who believe, that all theſe Virtues of *Theodorick* were ſullied by his Treachery towards *Odoacre*, and at laſt putting him to Death; and in the latter End of his Days, by ſome Cruelties occaſion'd by ſuſpected Perſons in his Kingdom, and for having put to Death *Symmachus* and *Boetius* his Son-in-law, who were Senators and rais'd to the Conſulſhip: Men of moſt noble Blood, moſt accompliſh'd in the Study of Philoſophy, moſt Religious, and for Piety and Learning moſt remarkable.

BUT if theſe Facts were attentively conſider'd, Reaſons of State will excuſe the firſt; and as for his Cruelty to *Symmachus* and *Boetius*, we ought to blame *Theodorick* for the ſelf ſame thing, for which his own Domeſticks blamed him; *Id illi injuriæ*, as *Procopius* ſays, *in ſubditos primum, ac poſtremum fuit, quod non adhibita, ut ſolebat, inquiſitione de viris tantis Statuerat.* *Theodorick* only failed in this, that *Symmachus* and *Boetius* out of Envy, having been charg'd with plotting againſt his Life and Kingdom, without making great Inquiry in ſo ſerious a Matter, which requir'd the utmoſt Circumſpection, he condemn'd them to Death; as for the reſt, as *Grotius* well obſerves [1], *Actum ibi, non de Religione, quæ Boethio ſatis Platonica fuit, ſed de Imperii Statu.* Certainly *Theodorick* was not induced by ſlight Motives, but for Reaſons of State, not Religion, as ſome believe. We have ſeen very well, what the Sentiments of this Prince were, concerning Liberty of Conſcience as to Religious Matters, and ſticking to what Religion each one beſt pleas'd. It could not be *Boetius* his Caſe, whoſe Religion was more Platonick than Chriſtian: And if we may believe *Procopius*, *Theodorick*, a little before he died, was heartily ſorry for his Fault with the moſt intenſe Grief of Mind; for whilſt he was at Supper one Night, a Fiſh with a prodigious big Head being put on the Table, the Image of *Symmachus* came ſo lively in his Mind, that he fancy'd the Head of the Fiſh was that of *Symmachus*, and that with a cruel and horrible Countenance, it threaten'd to be reveng'd of him for his Death; ſo that being frighted by ſuch an ominous Sight, there run a Coldneſs through his Veins which oblig'd him to lie down, and to be cover'd with Heaps of Bed-cloaths; and having told *Elpidius* his Phyſician what had happen'd to him; *In Symmachum, ac Boethium quod peccaverat, deflevit: pœnitiæque, ac doloris magnitudine, non multo poſt obiit*, as *Procopius* relates.

Jornandes ſays nothing of this ſtrange Adventure, but makes him die of old Age, by telling, that *Theodorick poſtquam ad ſenium perveniſſet, & ſe in brevi ab hac luce egreſſurum cognoſceret*, caus'd the *Goths* to be conven'd before him, with the principal Lords of the Kingdom, and in their Preſence appointed *Athalarick*, Son of *Amalaſuntha* his own Daughter, his Succeſſor, his Father *Eutarick* being dead, who was likewiſe of the illuſtrious Race of the *Amali*; and being but ten Years old, he was educated under the Care of his Mother. He did not neglect to recommend to them the Fidelity which they ow'd to the King his Nephew: He recommended to them likewiſe Love and Reſpect to the Senate and People of *Rome*; and above all he charg'd them to cultivate the Friendſhip and Favour of the Emperor of the Eaſt, with whom they were to maintain a firm and ſettled Peace and Confederacy: Which Advice *Amalaſuntha* having religiouſly obſerv'd, the Affairs of the *Goths* went on proſperouſly enough, while her Son *Athalarick* liv'd; for, during the Space of eight Years that they reign'd, they maintain'd the Kingdom in a firm and ſettled Peace. Such was the Death of this illuſtrious Prince, which fell out in the Year 526, after having reign'd little leſs than Thirty-eight Years, and reſtor'd to *Italy* and theſe our Provinces, their ancient Peace and Tranquillity.

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[1] Grot. loc. cit.

SECT. VII.

Of ATHALARICK, *King of* ITALY.

DURING the Minority of *Athalarick*, *Amalaſuntha* his Mother took upon her the Government of the Kingdom: A Princeſs adorn'd with many Virtues, who was equal in Wiſdom to the wiſeſt Kings of the Earth: She govern'd the Kingdom, and the Nonage of her Son with ſo much Prudence, that it ſeem'd little inferior to that of *Theodorick* her Father. He was no ſooner dead, than being mindful of his Advice, ſhe caus'd *Athalarick* to write to the Emperor *Juſtinus* I. (who having ſucceeded to *Anaſtaſius*, govern'd at that Time in the Eaſt) affectionate and reſpectful Letters, for preſerving Concord, which *Theodorick* had enjoin'd to be done. She caus'd other Letters to be written to the Senate and People of *Rome*, moſt affectionate and full of Eſteem, which we yet read in *Caſſiodore*[1].

SHE kept up the ſame Form, and Inſtitution of Government which *Theodorick* had done; neither did ſhe allow any Thing to be alter'd during the Reign of her Son; retaining the ſame Laws[2], the ſame Magiſtrates, the ſame Diſpoſition of the Provinces, and the ſame Adminiſtration. All her Study was to have the young Prince brought up after the Manner of the *Romans*, and inſtructed in good Literature and Virtue; for which purpoſe he had many Maſters for teaching him. But the *Goths*, and the great Men of the Court, having ſoon forgotten the Counſels of *Theodorick*, took it ill, that *Amalaſuntha* ſhould cauſe the Prince to be brought up after that manner, crying out, That they would have a King that ſhould be bred amongſt Arms as his Predeceſſors had been. At laſt ſhe was oblig'd to leave him to their Management, which was ſo fatal to this poor Prince; that falling into all ſorts of Lewdneſs, he languiſh'd in ſuch a manner, that it ſoon brought him to his Grave; for having ſcarcely reign'd eight Years, he ended his Days in the Year 534, which was the Beginning of the Miſfortunes and Ruin of the *Goths* in *Italy*, and of the Confuſions and ſo many Revolutions which afterwards fell out: In the mean time, *Juſtinus* had rais'd his Nephew *Juſtinianus* to the Empire of the Eaſt, who, for his ſo many famous Atchievements ſhall be the Subject of the following Chapter.

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[1] Caſ. lib 8. cap. 1, 2, 3.

[2] Caſ. lib. 8. cap. 3.

CHAP. III.

Of the Emperor JUSTINIAN, *and his* LAWS.

WHILE *Amalaſuntha*, by her Prudence, was maintaining the ſame Peace and Tranquillity in *Italy*, in which *Theodorick* had left it; and the Reign of *Athalarick*, as being uniform with that of his Grandfather, prov'd moſt gracious to the People, at the Requeſt of the *Conſtantinopolitans*, *Juſtin* made his Nephew *Juſtinian* his Collegue and Emperor, on the firſt Day of *April* in the Year of our Salvation 527. And *Juſtin* dying four Months after, he begun to rule the Empire of the Eaſt alone [1]. This was that *Juſtinian*, who for his notable Atchievements, acquir'd the Surname of *Great*; under whom the Empire recover'd Vigour and Strength, not only in Time of Peace, but of War, by reaſon of the famous Civilians who flouriſh'd in his Days; and by the Valour of *Beliſarius* and *Narſes*, his illuſtrious Captains. His firſt great Enterprizes were thoſe which he undertook in Time of Peace. In the firſt Year of his Reign he employ'd himſelf in giving a more noble Form to the *Roman* Juriſprudence; and envying no leſs the Glory of *Theodoſius the Younger*, than of *Valentinian* III. which they had acquir'd, the one by compoſing the famous *Theodoſian* Code, and the other by the Care he took of the Books of the Civilians; he would not only imitate them, but excel them in ſuch manner, that being compar'd together, his ſhould eclipſe and ſmother their Fame; and that neither in the Eaſt, nor in the Weſt, their notable Deeds ſhould be any more remember'd.

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[1] Pagi Diſſer. hyp. de Conſulib. p. 300.

SECT. I.

Of the firſt JUSTINIAN *Code.*

IN the firſt Year of his Empire, in the Month of *February* in the Year 528. he put forth an Edict, directed to the Senate of *Conſtantinople*, for the Compiling of a new Code. He choſe for this Work the moſt famous Men in his Time of three Orders, of Magiſtrates, Profeſſors, and Advocates: Of the Order of Magiſtrates, *Joannes*, *Leontius*, *Phocas*, *Baſilides*, *Tomaſus*, *Tribonianus*, and *Conſtantine*: Of Profeſſors *Theophilus* was choſen; and of the Lawyers *Dioſcorius* and *Preſentinus*, and over them all *Tribonianus* was put as their Head.

THE Form which he preſcrib'd to them, was to collect from the three Codes, the *Gregorian*, *Hermogenian*, and *Theodoſian*, the Conſtitutions of the Princes contain'd in them; and beſides theſe, to add the others, which *Theodoſius the Younger*, and the other Emperors his Succeſſors, down to himſelf, had from time to time publiſh'd, and likewiſe thoſe which he himſelf had put forth; all which they were to join together in one Volume. He moreover preſcrib'd to them the Order and Method, that is to ſay, to retrench what they found Uſeleſs and Superfluous in them, to leave out the Prefaces, to expunge altogether thoſe that claſh'd with one another, to curtail, change, and correct them, and to render their Meaning more clear; and to place them according to the Order of the Time, and the Matter of which they treated. They were not to neglect to put to each Conſtitution the Names of the Emperors who publiſh'd them, the Place, the Time, and the Perſons to whom they were directed: All this was in Emulation of *Theodoſius*, as is manifeſt from the Edict of *Juſtinian*, which we read under the *Tit. de novo Cod. faciendo.*

THESE famous Civilians employ'd their Labours little more than a Year in the Compiling of this new Code; ſo that in the Beginning of the third Year of his Reign, and properly in *April* in the Year following 529. it was compleated, and publiſh'd: And by another Edict under the *Tit. de Juſtinianeo Cod. confirmando*, he ordain'd that this Code ſhould ſolely have Authority in the Courts of Juſtice; that the Judges ſhould make uſe of it, and the Advocates, in their Pleadings at the Bar, ſhould quote no other Laws but what were contain'd in it: He entirely prohibited the firſt three Codes, which he ſtripp'd of all Authority, and they were never any more to be quoted in the Courts; ſo that the *Theodoſian* Code was eclips'd in the Eaſt. However it was not ſo in the Weſt, and particularly in *Italy*, where, during the Dominion of the *Goths*, that of *Juſtinian* was not receiv'd; therefore the *Theodoſian* Code had better Succeſs in the Weſt, than in the Eaſt, by the Means of *Juſtinian.*

THE Conſtitutions which were collected together into this new Code, and divided into twelve Books, being taken out of the three firſt Codes, began from *Adrian* down to *Juſtinian*, and contain'd the Laws of 54 Emperors. Whence it is, that ſome Conſtitutions quoted by the Civilians in the Pandects, are to be found in this new Code, that are not in the *Theodoſian*, which begun from *Conſtantine the Great*, but are to be found in the *Gregorian* and *Hermogenian* Codes, from which this laſt was taken.

SECT. II.

Of the Pandects *and* Inſtitutions.

JUSTINIAN in order to excel *Theodoſius* in Fame, was not contented with the Code alone; but took in hand a more noble Undertaking: that is to ſay, of collecting and joining together the Memorials of all the ancient Juriſprudence, and of diſpoſing them in order; and as he had done with the Conſtitution of the Princes which reign'd from *Adrian* down to himſelf, ſo he intended to do with the *Reſponſa* of the ancient Civilians; the Notes which they had made on the *Roman* Laws, and eſpecially on the *Edictum perpetuum*; their Treatiſes; their methodical Books; and, in a Word, with all their Commentaries; the Works of which were ſo ample and numerous, that they were reckon'd to be 2000 Volumes. *Juſtinian* in the fourth Year of his Reign, put forth another Edict [1], directed to *Tribonianus*, wherein he gave Orders to him, and ſixteen others his Collegues, to ſet about ſuch a hard and difficult Task. The greateſt Wits of the Age were choſen, which truly ſuch a crabbed Work requir'd. Beſides *Tribonianus*, *Theophilus*, and *Cratinus*, famous Profeſſors of the Law in the Academy of *Conſtantinople*, were elected; *Dorodeus*, and *Anatolius*, likewiſe Profeſſors in the Academy of *Berytis*: Of the Order of Magiſtrates *Conſtantine*; and of the Order of Advocates, eleven were choſen, to wit, *Stephanus*, *Menna*, *Proſdocius*, *Eutolmius*, *Timotheus*, *Leonides*, *Leontius*, *Plato*, *Jacobus*, *Conſtantius*, and *Joannes* [2].

WHILE they were all intent upon this great Work, which in the Space of three Years they finiſh'd, *Juſtinian* was pleaſed to order *Tribonianus*, *Theophilus*, and *Dorodeus*, to compile for the Benefit of the Youth, the Inſtitutions or Elements, and Principles of the Law, becauſe the Youth, ſetting out at firſt in this plain and ſimple Path, might afterwards advance to the Study of the Pandects, that were already preparing: Which was ſoon perform'd by theſe three excellent Civilians; after the Example of the Ancients, to wit, *Cajus*, *Ulpianus*, and *Florentinus*; and altho' the Compoſition of the Digeſts had been firſt order'd: Nevertheleſs the Inſtitutions were publiſh'd a Month before the Pandects, for the foreſaid Purpoſe, to wit, in *November* 533. in the ſeventh Year of his Empire. They divided theſe Elements into four Books, Ninety-nine Titles, and if we ſhould alſo number the Principles of them, into Eight hundred and ſixteen Paragraphs. A Work, in the Opinion of the incomparable *Cujacius*, moſt perfect and moſt elegant, which ought not to be loaded with ſo large Commentaries, as is practis'd in our Days; but it ſhould be always at hand, and with the help of ſmall Notes, in the ſimpleſt manner explain'd to the Youth, which was the Opinion of thoſe who compos'd it, and of *Juſtinian* who order'd it.

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[1] L. 1. C. de vet. Jur. enucl.

[2] L. 2. C. de vet. Jur. enucl.

THESE Elements being publiſh'd, the great Work of the Pandects was quickly finiſh'd, which a Month after, in the Month of *December* in the ſame Year 533. were publiſh'd over all the Eaſt and *Illyricum*. They no ſooner appear'd than they got two Names, the one *Latin Digeſta*, the other *Greek Pandectæ*, both of them taken from the ancient Civilians: They were call'd *Digeſta*, becauſe in the Books which they contain, the Opinions of the ancient Civilians were plac'd in a certain Order, and diſpos'd of, as much as was poſſible, under each Title, according to the Method and Series of the perpetual Edict: They were likewiſe call'd *Pandectæ*, as comprehending all the ancient Juriſprudence [1].

WHENCE, from what Civilians, and what Books of theirs the *Digeſta* were compos'd, is a Thing eaſily to be gathered from the Catalogue of the ancient Civilians, and from their Works, which we ſee at this Time prefix'd to the *Florentine* Pandects. There we ſee 37 Authors, moſt famous Civilians, often commended by us; for in the firſt Book, we made mention of the Civilians, who liv'd from the Reign of *Auguſtus* to that of *Conſtantine the Great*: Beſides theſe, there's honourable mention made of many others, who deſerve to be named and praiſed for their Works; and they ought to be explain'd and illuſtrated with juſt Commentaries, and laſting Notes. In which we ought not to rob *Jacobus Labittus* of his deſerv'd Praiſe, who with great Care and Accuracy compos'd an *Index* of the Laws, which are in the Pandects; in each of which, beſides deſigning the Author, he goes on diſtinctly to mark, from what Book, or Treatiſe of theſe ancient Civilians, it had been taken, picking out the Laws which are ſcatter'd here and there through the whole Body of the Digeſts, and then placing each of them under that Treatiſe, or Book of the Civilian from which it had been taken. A Labour as ingenious as uſeful for the right Underſtanding of the true Senſe of them; it being a wonderful Thing to ſee, how the one is cleared up by the other, when they are diſpos'd under the Books from which they were taken; which Light could never have been expected if they were read ſo diſpers'd. And this Author fully demonſtrates by many Examples, how much the uſe of this Index conduces to the true Interpretation of the Laws; and how much he was commended by *Cujacius* his Maſter, who encourag'd him to proſecute this excellent Work, and cauſe it to be printed: *Cujacius* confirm'd by his own Example, what had been demonſtrated by *Labittus*, by putting in Practice, and bringing to bear, what he had taught; whence we ſee that this incomparable Civilian, in Commenting upon the Laws of the Pandects, takes another Method, and goes not the ſame way to work, as had been practis'd by the other Commentators; that is to ſay, by ſeparating the Laws, thoſe which were *Africanus*'s, and taken from his Books, he puts together, and diſpoſes them under proper Titles; then in this order comments on them, as he did likewiſe on *Papinianus*, *Paulus*, *Scevola*, and ſome other Civilians; the admirable Uſe of which, and of what great Advantge it is, *Antonius Auguſtinus* very well knew, who compil'd ſuch another Index, and likewiſe all thoſe who underſtand our Juriſprudence fully know the Benefit of it.

IN the mean time *Tribonianus* and his Collegues, were pleas'd to divide this great Work of the Digeſts into ſeven principal Parts, to diſtinguiſh it into fifty Books, and to diſtribute it into 430 Titles. If we will look on the *Florentine* Pandects, which are preſerv'd with great Care in *Florence*, in the Library of the *Medici*, we ſhall ſee them divided into two large Volumes: Altho' *Criſpin* [2] reports, that anciently all the 50 Books made but one Volume; but thoſe which are now in the Hands of every Body, have been variouſly divided according to the different Editions. Of the many which we obſerve at this Time, and particularly thoſe of our lateſt Times, which are infinite, there are three that are moſt eſteem'd, and receiv'd into the Academies and Tribunals of *Europe*. The firſt Edition, that is to ſay, the Vulgar and leſs correct, is that which *Accurſius* and the other ancient *Gloſſators* made uſe of. The ſecond is call'd the *Norican*, or the *Nuremberg*, and is that which *Gregorius Aloandrus* caus'd to be printed in the Year 1531. The Third is call'd the *Florentine* or *Piſan*, which we owe to *Franciſcus Taurellus*, who in the Year 1553. cauſed it to be printed from the Library of the *Medici*.

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[1] V. Ant. Auguſt. in libel. de nominib. propriis Pandect. Florent. c. de Pand. nom. & gen.

[2] Criſpinus in ſerie PP. in Princ.

THE common Diviſion of this Work into three Volumes, is much more ancient than ſome believe; ſince from the Time of *Pilcus*, *Bulgarus*, and *Azo*, it was divided in ſuch manner for the greater Conveniency [1], it being ſo bulky, when comprehended in one Volume, it could not be read or manag'd but with great Difficulty. How afterwards the Name was given to each Volume, to the firſt the ancient Digeſt, the ſecond *Infortiatus*, and to the third the New, they all three coming forth at the ſame Time, is very hard to account for. For the Firſt's being call'd the Old, and the Laſt the New, it would not ſeem ſtrange; but that the Middlemoſt ſhould, by a foreign Vocable, be call'd *Infortiatum*, is what hath employ'd the Pens of many Writers, who have ſtoop'd too low by meddling with ſuch a poor Subject.

SOME have believ'd that it was call'd *Infortiatum*, from the *Greek* Word φορτιον, which in *Latin* ſignifies *Onus*, becauſe this Volume contains the moſt obligatory Laws, ſuch as the Reſtitution of Portions, of Guardianſhips, Heritages, Aliments, the performing of Deeds of Truſt, and others [2]. The Conjecture of *Bernardus Walterus* [3] is more tolerable, who ſays, it's call'd ſo corruptly, by the Fault of the Writers, who, inſtead of *Infarcitum*, as being plac'd in the Middle betwixt the Old and New, have call'd it *Infortiatum*. But above all the reſt, that of *Alciatus* ſeems to be the beſt, who reckon'd it a barbarous and inſipid Word [4]; or the other which laſtly was communicated to *John Doviat* [5] by *Claud Chappellaine*, Doctor of the *Sorbonne*, and King's Profeſſor of the *Hebrew* Language in *Paris*: He ſuppoſes it to be deriv'd from the *Chaldean Forthiata*, which Word is taken by the Rabbins to ſignify Teſtament; or a Man's laſt Will; whence it may have happen'd, that ſome Body either jeſtingly, or for Novelty's ſake, who inſtead of Teſtament, had call'd it *Infortiatus*, and from thence transferr'd the Word to this Volume of Digeſts, wherein Teſtaments are treated of, gave it that Name: But, be that as it will, for ſurely the Riches of *Greece* are not hidden under it, let us return to our Subject: 'Tis moſt certain, that the Digeſts of *Juſtinian*, tho' publiſh'd and diſpers'd over all the Eaſt, and committed to the Prefects of the Eaſt, of *Illyricum* and *Lybia*, in order to make them known to all the People ſubject to their Juriſdictions, as is clear from the Preface which *Juſtinian* prefix'd to the Digeſts, and from other Laws [6]; yet they could not at that Time penetrate into *Italy*, and theſe our Provinces, as being under a foreign Prince, and ſubject as yet to the Dominion of the *Goths*; ſo that they could not be planted in our Soil, and acquire that Authority and that Force, which afterwards in the Courſe of many Ages they happily obtain'd, and grew into ſo great Eſteem and Reputation, as we ſee them in at this Day.

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[1] Barboſ. ad rubr. D. Solut. matr. num. 2.

[2] Rainald. Curſuſi. indagat. Jur. 1.

[3] Ber. Walter. in Maſcell. obſ. lib. 2. c. 5.

[4] Alciat. lib. 1. diſpunct.

[5] Doviat. in hiſt. Jur. Civ. in fin.

[6] L. tanta, C. de vet. Jur. enucl.

SECT. III.

Of Juſtinian*'s Second Code* de Repetita Prælectione.

THIS truly Royal Work being finiſh'd, this excellent Prince for all that did not ſtop there; he having been told, that in the Compiling of the Digeſts it was obſerv'd, that many Controverſies remain'd yet undecided, and that it was neceſſary they ſhould be determin'd by his Imperial Authority; and moreover he having in the mean Time, after the firſt Code was publiſh'd, proclaim'd his other Conſtitutions, which were ſcatter'd up and down, and not confin'd to any Volume; and it having been likewiſe obſerv'd, that many Things were wanting in the Code already made, he order'd that in the following Year, which was the eighth of his Reign, and properly the Year 534. this Code ſhould be mended and reviſed, and another made out of it, more compleat and perfect [1]. In the mean Time he thought on five of thoſe, who had been employ'd in the making of the Digeſts, to wit, *Tribonianus*, *Dorotheus*, and three other Advocates, *Menna*, *Conſtantius*, and *Joannes*: Theſe according to the Order preſcrib'd to them by *Juſtinian*, which we read in his Code [2], took away from the firſt theſe Conſtitutions, which they thought uſeleſs and ſuperfluous, and alſo thoſe which had been corrected or annull'd by later Conſtitutions.

THERE was the Space of five Years betwixt the firſt Code and the Second, and in that Time many Conſtitutions had been eſtabliſh'd by *Juſtinian*. In the Conſulſhip of *Decius*, after the Publication of the firſt Code, ſome were publiſh'd by *Juſtinian*, amongſt which that was famous enough which we read under the *Tit. de bon. quæ lib.* [3], wherein it was generally eſtabliſh'd, that what the Son acquir'd, and not *ex paterna ſubſtantia*, was his own Property, and the Father had only the Uſe of it, contrary to what was appointed by the ancient and middle Juriſprudence. Afterwards in the Conſulſhip of *Lampadius* and *Oreſtes*, almoſt all the fifty Deciſions which it pleaſed *Juſtinian* to eſtabliſh, for removing all the Controverſies and Doubts of the ancient Civilians, were publiſh'd [4]; many of which we have under the *Tit. de uſufr.* as the *l.* 12, 13, 14, 15, and 16; ſince the 17th, altho' it be one of the 50 Deciſions, was made in the following Year, after the Conſulſhip of *Lampidius*. In this Conſulſhip, not only almoſt all theſe Deciſions were publiſh'd, but alſo ſome other Conſtitutions were made, ſuch as the *l.* 7. which we read under the *Tit. de bon. quæ lib.* whereby it was ordain'd, that the Father ſhould not have the Uſe of Goods given to the Son by the Prince, or the Empreſs; and that excellent one, to wit, *L. un. C. de rei ux. act.* It was in this Year 530. which was the fourth of the Empire of *Juſtinian*, that this other Conſtitution was publiſh'd, which we read under the *Tit. de vet. Jur. enucl.*; where, as is ſaid, *Juſtinian* commanded *Tribonianus*, and the ſixteeen other Civilians, to compoſe the Digeſts.

IN the following Year, after the Conſulſhip of *Lampadius*, and the fifth of the Empire of *Juſtinian*, many were proclaim'd, ſuch as the *L.* 2. *de Conſtit. pecun.* whereby the *Actio receptitia* was repeal'd; the *L.* 2. *C. Com. de Legat.* whereby the Difference betwixt Legatees, and particular Truſtees was taken away; the *L.* 2. *C. de indic. viduit.* by which the Law *Julia Miſcella* was aboliſh'd; the *L.* 3. *C. de Edict. D. Hadrian. toll.* by which the Edict of *Adrian*, for the twentieth Part of the Heritage was ſtruck out and cancell'd; and the *L.* 4. *C. de liber. præt.* by which the Difference of Sex in Diſinheriting was aboliſh'd. In this ſame Year were likewiſe put forth theſe noble Conſtitutions, to wit, *L. ſi quis argentum* 35 *C. de donat.* the *L. ult. C. de Jur. delib.* the *L. ult. C. qui pot. in pign.* and ſome others.

IN the ſecond Year after the Conſulſhip of *Lampadius* and *Oreſtes*, was publiſh'd the *L.* 2. *Cod. de vet. Jur. enucl.* and in the following 533. the ſeventh of his Empire, were publiſh'd the Inſtitutions, as is ſaid, and the Pandects a Month after. Theſe two Years are remarkable becauſe there were no Conſuls.

WHEREUPON the Compilers of this new Code added all theſe Conſtitutions, which, according to *Balduinus* [5] and *Ritterſuſius* [6], exceeded 200 in Number, and were publiſh'd after the firſt Code, in the Space of five Years, which likewiſe may be ſeen in *Aloandrus* in the Catalogue of Conſuls join'd to his Code, on which *Franciſcus Raguellius* [7] made particular Commentaries; as did alſo *Edmundus Merillius*, upon the 50 Deciſions [8]. By which the Syſtem of divers Matters relating to our Juriſprudence was alter'd, and particularly the Doctrine of *Peculium*, *Legatees*, and many others were varied: Whence it follows, as *Balduinus* [9] and *Ritterſuſius* [10] have likewiſe obſerv'd, that 'tis a great Miſtake to believe, that only the 50 Deciſions were added to this new Code; and that excepting theſe Deciſions, the Pandects differ'd in nothing elſe from this Code *de Repetita Prælectione*.

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[1] Auctor Cronici Alex. apud Pagi in Diſſert. Hypatica de Conſulib. pag. 301. His Coſſ. Juſtinianus Codex renovatus eſt, adjunctis novis, poſt priorem Codicem, Conſtitutionibus, Juſſuſque eſt, antiquato priore, ſuam obtinere vim, ſive authoritatem IV. Kal. Jun. indict. XII.

[2] Cod. de emendat. C. Juſtin. & ſecunda Edit.

[3] L. 6. C. de bon. quæ lib.

[4] V. Emund. Meril. in deciſ. Juſtin.

[5] Balduin. in Juſtiniano p. 497.

[6] Ritterſ. in Jure Juſtin. in procem. cap. 1. num. 4.

[7] Fr. Raguell. 1. Comment. ad Conſtitut. & deciſ. Juſtin.

[8] Edmund. Meril. ad 50 Deciſ. Juſtin.

[9] Balduin. in Juſtin. p. 497.

[10] Ritterſ. loc. cit.

THESE Conſtitutions then of the Princes being put into this better Form, in this new Code, in which alſo were inſerted ſome Conſtitutions of the Succeſſors of *Theodoſius*, *Valentinian*, *Martin*, *Leo*, *Antemius*, *Zeno*, *Anaſtaſius*, and *Juſtin*, *Juſtinian* ordered, that the firſt Code ſhould be no more of any Authority or Force; but that this Second, which, after the Example of the Ancients, he call'd *de Repetita Prælectione*, ſhould ſolely be of Force and Vigour in the Tribunal and Judgments; neither from any others but from it, could the Conſtitutions be quoted in the Courts of Juſtice, annulling all the others which were ſcatter'd up and down: Whence it is, that ſome very pertinently have obſerv'd, that thoſe Conſtitutions of *Zeno*, or other Emperors, which we don't find inſerted in this Code, were of no Force, and which we only owe to the Care and Learning of ſome Writer, who had dug them out of the Darkneſs in which they had been buried, and reſtored them to the Light of the World; for many of which we are indebted to *Contius*, *Jacobus*, *Cujacius*, *Dionyſius*, and *Jacobus Gotifredus*, and other learned Men; the Uſe of which will be, not to uſe them, as the Conſtitutions of Princes, which have lawful Authority, but only to draw from them ſome Light for the better Underſtanding thoſe that were received, and thoſe which by ancient Cuſtom have acquired with us the Force of Laws in our Courts of Juſtice; altho' the Conſtitution of *Zeno* which he made concerning Buildings, and the Proſpect of the Sea, is defended by many as lawful and of Authority, that is to ſay, becauſe we ſee it confirmed by *Juſtinian* in his *Novellæ*; and in the Code is declared not to be local in *Conſtantinople* only, but to comprehend all the other Provinces of the Empire[1].

JUSTINIAN was ſo ſtrict in not admitting any other Conſtitutions, but thoſe which were gathered together, and united in this Code, that he would have all the others, which upon any emergent Occaſion, ſhould come forth for the future, to be collected into a diſtinct Volume, to which he gave the Name not of Code, but of *Novellæ Conſtitutiones*, and that they ſhould form another Body diſtinct from his Code: Whence, altho' the Name of *Codex*, generally ſpeaking, may be given to every Book, *A caudicibus arborum deducto Vocabulo*; nevertheleſs our Civilians call'd only that Book a Code by *Antonomaſia*, wherein the Conſtitutions of the Princes were collected after a certain Order, becauſe, as *Gotifredus*[2] obſerves from *Cujacius*, the Conſtitutions and Reſcripts of the Princes uſed to be written in *Codices* and *Pugillares*, which were Tables of Wood, and alſo of Copper and Ebony, which were kept in the Cabinet, or Chancery of the Prince for Preſervation; whence we read, that *Theodoſius the Younger*, when he cauſed his Code to be compiled, ſent to aſk of *Valentinian* III. the Conſtitutions made by him for the Weſt, which were kept in his Cabinets, in order to join them to his own, and thoſe of his Predeceſſors for compoſing this Code. On the contrary, the *Reſponſa* of the Learned, from which the Digeſts were compiled, uſed to be written on Parchment, and not on Wood or Copper.

THE firſt Code then being aboliſh'd, and the Memory of it altogether extinguiſh'd, all Authority was given to the Second, which is that we now have, and which all the Tribunals, and Academies of *Europe* make uſe of, as every body ſees it, divided into twelve Books, and diſtinguiſh'd into 776 Titles. Its Conſtitutions were all dictated in the *Latin* Tongue, and contain the Conſtitutions of 54 Emperors, beginning at *Adrian* down to *Juſtinian*, as is manifeſt from the Catalogues which *Aloandrus* and *Dionyſius* prefixed to their Codes. We are indebted to the Induſtry and Care of *Jacobus Labittus*, and *Antonius Auguſtinus*, for the Index of the Laws publiſh'd by each Emperor, which is no leſs uſeful to thoſe who ſtudy our Juriſprudence, than that which they compoſed of the *Reſponſa* of the Civilians in the Pandects.

SOME have blam'd *Juſtinian*, who was ſo Catholick a Prince, for having caus'd to be inſerted in this Code, many Conſtitutions not becoming his Piety and Religion. Our *Mathew de Afflictis*, by falling into this Error, wrote, that he had caus'd to be inſerted many impious Laws in the three laſt Books; but he was handſomely rebuk'd for it by *Valenzuola*. Others ſaid, that *Juſtinian* did ill in putting the Laws of *Valens* againſt the *Solitarii* into his Code, and *Amaja* durſt not defend him: But 'tis clearly ſeen that that Law was not made againſt the true *Solitarii*, but againſt thoſe, who under pretence of Religion affected to be ſuch, by joining with them in order to ſhun the Charges of the Court. Some others blame him, becauſe he made many Laws concerning Uſury and Divorces, and yet allowed of them; but *Godelinus* [1], *Leotardus* [2], and others vindicate him. Others becauſe he inſerted many Laws concerning the outward Eccleſiaſtical Polity; but they are to be excuſed, becauſe they did not advert to the Circumſtances of the Times in which they were publiſh'd, but according to the Maxims of the Ages in which they wrote, thought it did not ſuit with the Authority of the Prince to eſtabliſh them; which will be better ſeen, when we come to treat of the Eccleſiaſtical Polity of that Century.

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[1] V. Card. de Luca de Servit. Diſc. 1.

[2] Goth. ad Tit. de nov. Cod. faciendo in princ.

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[1] Godelino de Jur. noviſ. cap. 10. in fin.

[2] Leotar. de Uſur. qu. 6. num. 28.

SECT. IV.

Of the NOVELLÆ of JUSTINIAN.

ALTHO' *Juſtinian* had made ſufficient Proviſion for the Study of the Juriſprudence, by theſe three commendable Works, to wit, the Inſtitutions, the Digeſts, and the Code; nevertheleſs, as in the Courſe of Years, according to the various Affairs and new Emergencies, it was neceſſary to provide a-new, and put forth new Conſtitutions: Theſe not long after grew to that Bulk, that it behoved him to join them together in another Volume, which was call'd the *Novellæ Conſtitutiones*. Theſe were put forth from time to time by *Juſtinian*, not in the *Latin* Language, as the others contain'd in the Code, but almoſt all in the *Greek* [1], excepting the *Nov.* 9, 11, 23, 62, 143, 150, which were written in *Latin* [2]; in which truly there are many Things amiſs as to the Elegancy, Brevity, Gravity, and Doctrine; and foraſmuch as the Conſtitutions of the Princes, from *Conſtantine the Great* down to him, yield to the Conſtitutions of the more ancient Emperors, from *Adrian* to *Conſtantine*, ſo much theſe *Novellæ* of *Juſtinian* come ſhort of the Brevity and Elegancy of the latter; ſo that 'tis always going retrograde, from worſe to worſe, the Reading of which gives much Diſguſt, they being Loquacious, Bombaſt, void of the Brevity, Gravity, and Elegancy of the firſt: But what is of the greateſt Import, is to obſerve in them a certain Inconſtancy and Fickleneſs that's inexcuſable, changing and varying that which a little before was eſtabliſh'd, and what juſt now pleas'd, ſoon after is chang'd and cancell'd; which has induced many to believe, that ſo much Inconſtancy proceeded from the Womaniſh Levity of *Theodora* the Wife of *Juſtinian*, who was often meddling with ſuch Matters; and the Avarice of *Tribonianus*, who for Money often chang'd and varied the Laws at his Pleaſure [3].

OF theſe *Novellæ* only Ninety-ſix were known by our ancient Gloſſators, altho' *Julian*, Profeſſor of Law in the Academy of *Conſtantinople* a little after *Juſtinian*, compendiz'd and tranſlated them from the *Greek* into the *Latin* Tongue, to the Number of One Hundred and Twenty-five. In later Times, *Aloandrus* found ſome others, and increas'd their Number to One Hundred and Sixty-five: *Jacobus Cujacius* added other three, ſo that their Number at preſent amounts to One Hundred and Sixty-eight [4].

BUT we muſt obſerve, that in joining theſe *Novellæ* together, the Order of Time has not been exactly obſerv'd; for we perceive a great many of theſe which were publiſh'd towards the End of the Empire of *Juſtinian*, put before thoſe which were publiſh'd ſooner, and on the contrary, thoſe which were firſt publiſh'd placed laſt. Thus in the Ninth Year of the Empire of *Juſtinian*, in the Conſulſhip of *Beliſarius*, when they began to be eſtabliſh'd, the following *Novellæ* were publiſh'd ; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 ; and alſo in the ſame Year, the 24, 25, 26, 27, 28, 29, 32, 42, 51, 102, 103, 107, 110, 116, 118, and 157. In the following Year, after the Conſulſhip of *Beliſarius*, the 19, 20, 21, 22, 31, 38, 39, 40, 43, 45, 122 : And the next Year, the Eleventh of his Empire, were made the *Novellæ* 41, 52, 53, 54, 55, 56, 58, 59, 60, 61, and many others.

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[1] Ant. Auguſtin. in Parat. ad Nov.

[2] Ritterſ. in Proœm. cap. 4. num. 1.

[3] Procop. lib. 1. de Bello Perſico. Suidas in Dictione Tribonianus.

[4] Doviat. Hiſt. Jur. Civ. Ritterſ. in Jur. Juſtin.

IN the Conſulſhip of *Joannes*, and Twelfth Year of the Empire of *Juſtinian*, were publiſh'd the *Novellæ* 63, 64, 66, 67, 68, 69, 70, 71, 72, 73, 74, 76 ; as in the Year after 78, 79, 80, 81, 83, 97, 99, 101, 133, 162 ; and in the following, in the Conſulſhip of *Juſtinus*, the 98th.

IN the Conſulſhip of *Baſilius*, and the Fifteenth Year of the Empire of *Juſtinian*, were proclaim'd the *Novellæ* 108, 109, 111, 113, 115, 117, 119, 120, 121, 123, 124, 125, 128, 129, 130, 131, 132, 134, 135, 136, 137, 145, 146, 147, 153. In the following Years nothing was publiſh'd by *Juſtinian* ; but in the Thirty-ſecond Year, the laſt of his Empire, was put forth the *Novella* 141, whence it ought to be reputed the laſt of all, as being made in the Year 558.

THESE *Novellæ*, together with thirteen Edicts publiſh'd from Time to Time by *Juſtinian*, were collected and joyn'd together in one Volume, not by *Juſtinian*'s Order [1], but after his Death, by private Induſtry and Care, as *Cujacius* and *Antonius Auguſtinus* ſhew us, without obſerving any other Order than as above ſet down. All the Buſineſs then of the Interpreters was to divide them into nine *Collationes*, which after the Manner of Books, each contains many Titles ; and was call'd afterwards, in the Days of *Bulgarus*, *Authenticum*, either becauſe theſe Conſtitutions, as being publiſh'd after the Laws of the Code, were of more Authority and Weight ; or, which is more probable, like to the *Latin* Epitome made by *Julian*, this Work, as containing the intire *Novellæ*, as they were publiſh'd by *Juſtinian*, ought to be reputed the Original and Authentick [2].

WE have three *Latin* Verſions of theſe *Novellæ* : The firſt ancient, of which *Bulgarus* is ſaid to be the Author ; but *Cujacius* [3] and others don't allow of it ; The ſecond was made by *Aloandrus* ; and the third by *Henricus Agileus*. Authors don't agree neither in the Name, nor in the Age of this ancient Interpreter ; ſome have believ'd him either more Ancient or Contemporary with St. *Gregory the Great*, becauſe this Pope quoted and tranſcrib'd many Paſſages of theſe *Novellæ* into his Books, of which Opinion *Balduinus* was alſo [4] : But *Antonius Auguſtinus* [5], follow'd by *Ritterſuſius*, reports, That in the Days of *Irnerius* and *Bulgarus*, the *Greek* Volume of theſe *Novellæ* was found by the Labour of a certain Monk, who tranſlated it into *Latin* : He was call'd *Bergonto Piſanius*, of whom 'tis likewiſe ſaid, that he tranſlated into *Latin* theſe *Greek* Clauſes, which we find in the Books of the Digeſts.

THE Tranſlation made by *Aloandrus* happen'd thus : There was kept in *Florence* a Manuſcript Volume of the *Greek Novellæ*, from which that of *Bologna* had been copied. *Aloandrus* made uſe of this laſt, and he was the firſt who caus'd the *Greek Novellæ* to be printed, after he had tranſlated them into *Latin*. The firſt Edition came forth in the Year 1531, to the Honour of the Senate of *Nuremberg*, who was at the Charges of it. *Henricus Scrimgerus*, many Years after, having found in *Venice* another Manuſcript Copy more exact, which belong'd to Cardinal *Beſſarion*, from this new Copy he made up a great deal of what was wanting in the Edition of *Nuremberg*, and caus'd it to be printed in *Greek* ; from which *Henricus Agileus* made a third Tranſlation, who alſo tranſlated the *Novellæ* of *Leo* ; and *Contius* likewiſe tranſlated ſome others into the *Latin* Tongue.

WERNERUS, or, as we call him, *Irnerius*, to the great Advantage of the Studious, abridg'd them, and to each of the Laws of the Code, which had been corrected from the *Novellæ*, or that treated on the ſame Subject, join'd the Epitome of them ; by which it might be known, what had been alter'd on that Subject by theſe lateſt Conſtitutions of *Juſtinian*, therefore they got the Name of

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[1] Ritterſ. in Jure Juſtin. cap. 1. num. 18. in Prœmio.

[2] Ritterſ. iu Jure Juſtinian. in Prœm. cap. 1. num. 10, 11, 12.

[3] Cujac. lib. 8. Obſ. cap. ult. Doviat. Hiſt. Jur. Civil.

[4] Balduini Juſtin. pag. 573.

[5] Ant. Auguſt. in Parat. Nov. 90. Ritterſ. in Prœm. cap. 4. num. 9.

Authenticæ, which ought to be carefully compar'd with the Originals from whence they were taken, becauſe ſometimes they differ widely from them; and *Georgius Ritterſuſius* [s], the Son of *Conradus*, reckons Seventy Places which don't agree with the Originals.

AND 'tis likewiſe to be obſerv'd, that this Volume of the *Novellæ* differs chiefly in three Things from the Code. The firſt, that the Code comprehends the Conſtitutions of many Princes, beginning with *Adrian* down to *Juſtinian*; and the *Novellæ* are only Conſtitutions of *Juſtinian* alone. The ſecond, that the Laws of the Code were almoſt all dictated in the *Latin* Language, and the *Novellæ* in the *Greek*. The third, that in the Code, the Conſtitutions are ſubdivided into certain Claſſes, and placed under various Titles, according to the Variety of the Subject they treat of, and many times there are many of them diſpos'd of under one Title; whereas in the Volume of the *Novellæ* each Conſtitution has its own Title, and are put together without Order, only obſerving the Order of Time; neither was that Order obſerv'd altogether, as we have ſhewn above.

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[1] Georg. Ritterſ. in Appendice ad Jus Juſtin. Patris.

SECT. V.

Of the Uſe and Authority of theſe Books in Italy, *and in theſe our Provinces.*

ALTHO' *Juſtinian*, by theſe his celebrated Works, had eclips'd the Fame of *Theodoſius* in the Eaſt ſo much that the Name of his Code was intirely extinguiſh'd; neither were the Academies nor the Courts of Juſtice to have recourſe to any other Books but theſe; and tho' in the Empire of the Eaſt, they alone were receiv'd, and all others rejected; nevertheleſs in the Weſt, and particularly in *Italy*, their Fortune was different, being publiſh'd by *Juſtinian* in the laſt Years of the Reign of *Athalarick*, while the Dominion of the *Goths* yet continued, they were not receiv'd in *Italy*, nor in theſe our Provinces, where, as being a Foreign Soil, they could not take deep Root; but the ancient Codes, and the old Books of the Civilians were retain'd, and the *Theodoſian* Code loſt nothing of its Eſteem or Authority; on the contrary, by the Authority of *Alarick*, they were in great Reputation amongſt the *Weſtrogoths*, inſomuch that the Compend of the *Theodoſian* Code, which they called a Breviary, was not only of great Value and Authority amongſt them, but alſo amongſt the *Oſtrogoths*, and many other Nations, ſuch as the *Burgundians*, *French*, and *Longobards*, and what was *Roman* Law, was contain'd in theſe Books.

AND altho' after the Death of *Athalarick*, and that of *Amalaſuntha* ſoon after, the Affairs of the *Goths* in *Italy*, were reduced to a very low Ebb; and *Juſtinian*, by the Valour of *Beliſarius*, had gain'd many Victories over them, and by a particular Edict [1], had order'd the *Roman* Laws contain'd in his Books, to be obſerv'd over all the Provinces of *Italy*; and *Beliſarius* afterwards, in the Tenth Year of this Emperor's Reign, had conquer'd *Naples*, *Puglia*, *Calabria*, *Samnium*, and *Campania*, and taken theſe Provinces from the *Goths*; nevertheleſs, they having afterwards recover'd their ancient Spirit and Valour, under the moſt gallant and wiſe Prince *Totila*, made ſo great a Revolution in the Affairs of *Italy*, that in the Heat of ſo cruel a War, when no regard was had to Laws, thoſe of the *Romans* contain'd in the Books of *Juſtinian* again loſt their Vigour and Authority: And tho' at laſt, in the latter End of his Reign, he had gain'd an intire Victory over them, and under *Teja* their laſt King, by the Means of *Narſes*, had wholly ſubdued and defeated them, yet, notwithſtanding all that, he dying ſoon after, and being ſucceeded by *Juſtin the Younger*, a moſt fooliſh Prince, it was not long before *Italy* came under the Dominion of the *Longobards*, who, following the Example of the *Goths*, acknowledg'd no other Laws but their own, and thoſe of the *Romans* which were contain'd in the *Theodoſian* Code, and what by Tradition had been remember'd by the People; ſo that the Books of *Juſtinian* were not minded, of which the *Longobards* had little or no Knowledge, as we ſhall ſhew anon.

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[1] Pragm. Juſtin. Poſt. Novel.

ADD to this, that not many Years after they began to have the ſame Fate in the Eaſt, where, as we ſhall ſhew in the following Books, partly by Ignorance and the Folly of his Succeſſors, and partly by Envy, they came to be ſo forgotten, by reaſon of the numerous Collections which were made of them in Emulation of *Juſtinian*, that the Credit of them was quite eclips'd and extinguiſh'd; by which we ſee the ſtrange Viciſſitudes of human Things: This great Work of *Juſtinian*, compil'd with ſo much Care and Study, that it ought to have been famous and immortal for ever, yet ſcarcely was its Author dead, when it was likewiſe buried in the thickeſt Darkneſs and profoundeſt Oblivion for the Space of Five Centuries; but riſing again in the Weſt in the Reign of *Lotharius*, it ſpread its Fame over all the Provinces of the World; ſo that there was no Nation, neither civiliz'd or barbarous, which had it not in high Eſteem and Veneration, and which did not prefer it to their own Laws and Cuſtoms.

CHAP. IV.

The Expedition of Juſtinian *againſt* Theodatus *King of* Italy, *the Succeſſor of* Athalarick.

AFTER *Juſtinian* had put the laſt Hand to a certain and fixed Form of the *Roman* Juriſprudence, with the ſame good Fortune he betook himſelf to Arms. A Prince moſt fortunate as well in Time of Peace as War; for as in his own Time, for the accompliſhing the Undertaking of the Laws, which was as bold and noble, as hard and difficult, he had thoſe famous Civilians *Tribonianus*, *Theophilus*, *Dorodeus*, and all the others, of whom we have made honourable mention, who were able to bring it to Perfection; ſo in War he had moſt gallant and famous Captains, ſuch as *Beliſarius*, *Narſes*, *Mondus*, and ſome others, who by their incomparable Virtue, and glorious Atchievements, added no leſs to his Glory than to the Increaſe of the Empire by their many Conqueſts; whence his Name was tranſmitted to Poſterity, adorn'd with ſo many Titles of *Alemanicus*, *Gothicus*, *Francicus*, *Germanicus*, *Anticus*, *Alanicus*, *Vandalicus*, and *Africanus*, for his having conquer'd and ſubdued ſo many Nations. He was as fortunate in the Opportunities which offer'd to make the Conqueſts eaſie, as he was in ſo illuſtrious and gallant Captains who flouriſh'd in his Time; and particularly in the War which he made upon the *Goths* in the Expedition of *Italy*, the Succeſs of which we are briefly to relate.

AFTER that *Beliſarius* had conquer'd the *Vandals* in *Africa* and taken *Carthage*, having made *Gilimere* their King Priſoner, and carried him in triumph to *Conſtantinople*; *Juſtinian* ſeeing that vaſt Kingdom ſubjected to his Empire, turn'd all his Thoughts on the Expedition of *Italy*, in order to drive the *Goths* out of it; and a very lucky Opportunity, which preſented it ſelf, haſten'd the Undertaking, and puſh'd on the Execution.

Amalaſuntha, a moſt prudent Princeſs, ſeeing her Son, by a riotous Life, had contracted a lingering Diſeaſe, ſo that there were no more Hopes of his Life, was afraid, that after his Death ſhe ſhould not be able to live amongſt the *Goths* in Safety, who, becauſe ſhe could not bear with their Diſorders and Debaucheries, hated her mortally, and becauſe ſhe was much reſpected by the Emperor *Juſtinian*, who honoured and regarded her ſo much, that at laſt *Theodora* his Wife became jealous of her; began ſecretly to treat with *Juſtinian*, how ſhe might be able to put him in Poſſeſſion of the Kingdom of *Italy*, thinking by that means ſhe might live in Peace and Quiet; but the untimely Death of her Son gave her not Time enough to accompliſh her Deſign: For which Cauſe, being ſuſpicious that the *Goths*, who would not ſuffer her to continue in the Government, might chuſe a King according to their own Mind, ſhe cunningly prevented them, by placing upon the Throne *Theodatus* her Couſin, Son of *Amalafrida* Siſter to the great *Theodorick*, who was likewiſe of the illuſtrious Houſe of *Amala* [1]. This was a Prince who had led his Life in the Deſarts of *Tuſcany*, and was much addicted to the Platonick Philoſophy [2]; a Man of great Learning, and a perfect Maſter of the *Latin* Tongue, which in his Time had ſo far decay'd in its Purity, that he who underſtood it to Perfection was in great Eſteem; and, if we may believe *Caſſiodore* [3], ſince *Procopius* ſays nothing of it, *Theodatus* was alſo expert in Divinity, and the Eccleſiaſtical Learning: Foraſmuch as in the Letter which *Amalaſuntha* wrote to the Senate of *Rome*, wherein ſhe gives them an Account of his Advancement to the Throne, amongſt the other Commendations and Honours which ſhe beſtows on *Theodatus*, ſhe tells them, That he was a Prince very knowing in Eccleſiaſtical Learning. But all this Learning was not able to change his Nature, and the Meanneſs of his Spirit; and beſides he was moſt unexpert in Military Matters, Fearful, Lazy, and above all moſt Covetous, without Honour or Probity, and ſo full of Treachery and Miſchief, that he was capable of committing the moſt vile Actions in the World, when he was puſh'd on by his own or the Paſſions of other People.

THE unhappy Princeſs *Amalaſuntha* ſoon after was ſenſible of his treacherous Nature to her utter Ruin; for he no ſooner mounted the Throne, than, forgetting all the Promiſes he had made to his Benefactreſs, he ſuffer'd himſelf to be govern'd by the Relations of thoſe whom this Princeſs had put to Death for their Crimes; and following the Advice of theſe People, cauſed her to be carried from the Palace of *Ravenna* [4] to Priſon, in an Iſland in the Middle of the Lake of *Bolſena*, and ſome Days after order'd her to be barbarouſly ſtrangled in the Bath, at the ſame time that he was begging Peace of the Emperor *Juſtinian*, having firſt compell'd that unhappy Princeſs to write to the Emperor for obtaining it. There are not wanting Writers who ſay, that *Theodatus* was induc'd to commit ſuch a Piece of Villainy, not only thro' the Perverſeneſs of his Nature, and the Advice of thoſe of his Court, but likewiſe by the Means and Perſuaſion of *Theodora* the Wife of *Juſtinian*, who being jealous of the Love that her Husband had for this Princeſs, was afraid, that one Day he would forſake her for *Amalaſuntha*.

IN the mean time, *Juſtinian* being furiouſly inrag'd at the horrible Brutality of *Theodatus* and the *Oſtrogoths*, reſolved to revenge the Death of *Amalaſuntha*; and, on the other hand, being eagerly deſirous of uniting *Italy* to the Empire, he thought this was the beſt Opportunity that could ever offer to make War upon the *Goths*, in order to drive them out of *Italy*: Therefore, in the Year of our Lord 535, having pitch'd upon *Beliſarius* for that Undertaking, and made great Preparations both by Sea and Land, he ſent him with a powerful Fleet to *Sicily*, judging it to be the fitteſt Place to begin the War in, it being in a manner the Nurſery of theſe Provinces, which now form our Kingdom, which being taken would render the Conqueſt of them the more eaſy.

JUSTINIAN likewiſe tried all Means for facilitating this Enterprize, and uſed all his Endeavours to bring the *French* to his Aſſiſtance, informing them of all his Grievances againſt the *Goths*, and laying before them the Reaſons which he thought moſt juſt for undertaking this War. The *Goths*, ſays he, as *Procopius* [5] has it, *rapta Italia, quæ noſtri haud dubiè eſt juris*, they not only don't like to reſtore it to the Empire, but beſides, in Contempt of me, they have cruelly murdered *Amalaſuntha* whom I ſo much eſteem'd, and had ſo great a Value for, at the ſame time when they were begging Peace of me. But the *French* made no Motion towards his Aſſiſtance. On the contrary, *Theodebert* their Prince, Nephew of the great *Clovis*, whom *Juſtinian* in his Edicts had ſo much extoll'd, and alſo given him the Surname of *Francicus*, as if he had ſubdued his renowned People, made War againſt him in Favour of *Theodatus*, and afterwards of *Vitiges*.

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[1] Procop. de Bello Got. Caſſiod. lib. 10. cap. 1. 2, 3.

[2] Jornand. de Reb. Geſt.

[3] Caſſ. lib. 10. cap. 3. Princeps veſter etiam Eccleſiaſticis eſt Literis Eruditus.

[4] Jornand. de Reb. Geſt.

[5] Procop. lib. 1. de Bello Got.

IN the mean time, *Beliſarius* arriving in *Sicily* made an eaſy Conqueſt of it, by reaſon of the Confuſion that was there. Having taken it, he immediately paſſed over from *Meſſina* to *Rhegium*, where the Gates were open'd to him; from thence by Land he march'd directly to *Rome*. All the Places on his March ſurrender'd willingly; therefore without much Reſiſtance he took *Aprutium*, *Lucania*, *Puglia*, *Calabria*, and *Samnium*: *Beneventum*, and almoſt all the principal Cities of theſe Provinces yielded by the Terror of his Arms, and much more by the Aſtoniſhment the *Goths* were in, and the Stupidity and Fright of *Theodatus*. Only *Campania* reſiſted as much as the Forces in it were able. In this Province, the Cities that were able to defend themſelves were *Naples* and *Cuma*: *Naples* ſtood out with great Valour and Intrepidity, and endured a Siege of many Days without ſurrendering; but a Soldier luckily having diſcover'd an Aqueduct which reach'd into the City, by which, with great Conſtancy, altho' ſometimes diſhearten'd, the *Greeks* enter'd it at laſt, and to the great Aſtoniſhment of the Beſieged, turned every thing in the City topſy-turvy; and the Pillage had been more lamentable and diſmal, if *Beliſarius* had not put a Stop to the Inſatiableneſs of the Soldiers. After the Conqueſt of theſe our Provinces, *Beliſarius* purſued his way to *Rome*, and at laſt took it in the Eleventh Year of the Empire of *Juſtinian*, after it had been Sixty Years in the Poſſeſſion of foreign Nations.

WHEN by the Terror of theſe Arms, and the ſo many Victories of *Beliſarius*, *Theodatus* was quite diſcourag'd, he tried all ways poſſible for obtaining Peace from *Juſtinian*: He ſent many Ambaſſadors to *Conſtantinople*, amongſt whom Pope *Agapitus* offer'd Terms and Conditions of Surrendring [1]. *Juſtinian* had likewiſe ſent into *Italy* one *Peter* to treat of this Peace; he was a venerable Perſon, and moſt expert in managing State Matters. *Theodatus* propos'd many Projects to him, which, without the expreſs Orders of the Emperor, he could not accept of, ſo that they were ſent directly to *Conſtantinople*. *Theodatus* offer'd *Sicily* to *Juſtinian*: That the People of *Rome*, on Solemn and Feſtival Days, or upon any other Publick Occaſion, either on the Theatre or the publick Market-place, ſhould celebrate the Name of the Emperor before that of *Theodatus*: That there ſhould be no Statue erected, either of Marble, of Braſs, or any other Matter whatſoever, nor any Medal ſtruck with the Image of *Theodatus* alone, but ſhould be inſcrib'd and ſtamp'd with that of the Emperor likewiſe, and that the Effigies of the Emperor ſhould poſſeſs the moſt honourable Place on the Right Hand of *Theodatus*.

DURING the Time that they were expecting *Juſtinian*'s Anſwer, *Theodatus* never ceas'd asking of the Ambaſſador, for whom he had a great Regard and Veneration, as may be ſeen by his Letters in *Caſſiodore*, if he thought the Emperor would accept of the Conditions offer'd: He complain'd grievouſly of *Juſtinian* to *Peter*, that upon ſo ſlight an Occaſion he had made ſo cruel a War againſt him, and, under various Pretexts, ſought unjuſtly to take *Italy* from the *Goths*, after they had recover'd it out of the Hands of *Odoacre* with their own Forces, and with the Conſent of the Emperor *Zeno* himſelf. *Peter*, as alſo the *Greek* Captains, gave no other Anſwer to theſe Complaints, than this; That it was a Duty incumbent upon the Emperor to recover theſe Provinces, which were known to every Body to have been lopp'd off the Empire; and that it became him, to whoſe Care it was committed, to uſe all Means to reſtore them to it again [2]. In the mean time, the Propoſals which had been ſent by *Theodatus* to *Juſtinian* were laugh'd at, as *Alexander the Great* laugh'd at thoſe offer'd to him by *Darius*, who propos'd to give him, as a Portion with his Daughter, all thoſe Places betwixt the *Helleſpont* and the River

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[1] P. Garet. in Vita Caſſiod. p. 1.

[2] Procop. de Bello Got. at illum non dedecet repetere terram, quam conſtat fuiſſe ejus, quod ipſi commiſſum eſt Imperii.

Hali, which he had already conquer'd [1]; and as the *Romans* did by *Volgeſus* King of the *Parthians* [2]; and as afterwards *Charles the Great* did by *Nicephorus*, who offered him *Saxony* which he had already ſubdu'd [3]; foraſmuch as *Theodatus* offer'd *Sicily*, which had been already poſſeſs'd by *Beliſarius* together with the Provinces of our Kingdom: So that theſe Conditions being rejected, *Theodatus*'s Fear, and the Terror of the *Goths* increaſed.

THE miſerable *Goths*, ſeeing themſelves in ſuch a Conſternation, and perceiving the Fright of *Theodatus*, and that by his Cowardlineſs they had been reduc'd to ſuch a lamentable Condition, had a Mind to try if at leaſt they could bring about the Treaty of Peace with *Beliſarius*; wherefore they ſent Ambaſſadors to lay before him their juſt Grievances, and to ſtop him from purſuing his Deſign. Being admitted to *Beliſarius*, they began to lay forth to him the Wrong which was done the *Goths* by this unjuſt War. The *Romans* are much in the Wrong, ſaid they [4], who without any Cauſe have taken up Arms againſt us, their Confederates and Friends. The *Goths* have not taken *Italy* from the *Romans* by Force; it was *Odoacre*, who by much Slaughter and ſuperior Strength robb'd them of it, while *Zeno* reign'd in the Eaſt, who not being able to revenge himſelf, by retaking the unjuſt Prey, nor having ſufficient Force to oppoſe the Tyranny of the *Heruli*, called our Prince *Theodorick*, who was then threatning, on account of ſome Difference which had fallen out betwixt them, to beſiege him in *Conſtantinople* itſelf, and intreated him to forgive his new Enemy, for the Sake of the Dignity of Patriciate, and *Roman* Conſulſhip, which he had conferr'd upon him, and for the Regard he had always had for his Perſon, to turn his own Courage, and the Ferity of his People elſewhere; and to turn his Arms againſt *Odoacre*, and revenge the Death of *Auguſtulus*, diſhonourably killed by him, and recover *Italy* from him, which he freely reſign'd to him, and his *Goths*, that for ever after they might govern it, and hold it with a juſt Title, and good Right. *Theodorick* came to *Italy*, and by his own Valour, and the Strength of his *Goths*, drove out the Tyrant, and with the Conſent of, and in Confederacy with all the Princes of the Eaſt govern'd it ſo many Years, as it is to this Time govern'd by his *Goths*: With what Juſtice then could they pretend to make War againſt them, who poſſeſs it by ſo juſt Titles, after having poſſeſs'd and govern'd it ſo many Years with ſo much Juſtice?

BUT *Beliſarius*, who fluſh'd with his late Succeſſes, was not to be moved by ſuch Stories, which ſignify nothing, if they are not back'd by Force, anſwer'd them to their Face ſeverely and gravely; That they had ſaid more than they could make good: That *Theodorick* was indeed ſent by *Zeno* to fight *Odoacre*, but not to make himſelf Maſter of *Italy*; ſince it ſignified nothing to the Emperor, as long as it was not reſtored to the Empire, whether it was under the Slavery of the one or the other Tyrant; that *Italy* was to be ſet at Liberty, and put under the Imperial Laws: But that *Theodorick* having behaved himſelf gallantly againſt *Odoacre*, ſet up for himſelf, and refuſed to deliver *Italy* to its Right Owner. To me, ſaid he, he ſeems to be as bad, who keeps Goods that are not his own, againſt the Will of the Owner, as he that takes them by Force; therefore I will never yield to any Man in the World that Country which belongs to the Empire.

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[1] Curtius lib. 4.

[2] Tac. Annal. lib. 15.

[3] Avent. lib. 4. Ann. Bojor.

[4] Procop. lib. 2. de Bello Got.

SECT. I.

Of Vitiges, Ildibaldus, *and* Eraricus, *Kings of* Italy.

BY ſuch a ſurly Anſwer, the *Goths* gave themſelves up to Deſpair: they made uſe of all their Power and Art to find a Remedy for ſo imminent a Danger. They reveng'd themſelves upon *Theodatus*, whoſe Stupidity had been the Cauſe of their impending Ruin, and whoſe Folly had made him unfit to govern: They firſt dethron'd him, and then put him to Death, and in his ſtead, in the midſt of the Army, choſe *Vitiges*, and proclaim'd him their King. *Goldaſtus*[1] gives us another Reaſon for his Death; to wit, that the *Goths* had diſcovered, that *Theodatus* being wearied with ſo long and toilſome Wars, had agreed with *Juſtinian* at laſt to ſurrender the Kingdom to him, for a large yearly Penſion, that he might retire to ſome ſolitary Place, and give himſelf up to the Study of Philoſophy; and both the Letters which *Theodatus* wrote to *Juſtinian*, and his Anſwers to them, are related by the ſame *Goldaſtus*. *Vitiges* had for Wife *Mataſuenda*, Daughter of the Princeſs *Amalaſuntha*: He was a Prince of great Courage and Prudence, of which his notable Deeds bear Teſtimony, as do alſo his Speeches, and Letters which we read likewiſe in *Caſſiodore*[2] and *Goldaſtus*[3].

NO ſooner had *Vitiges* mounted the Throne, after having in vain attempted to make Peace with *Juſtinian*, than he laid cloſe Siege to *Rome*, which he kept block'd up for a Year and nine Days, till *Beliſarius* reliev'd it in the Year 538. Whereupon ſeeing himſelf diſappointed of his Hopes, he retired with his Wife to *Ravenna*: Not long after, *Beliſarius* being Victorious every where, made them both Priſoners, and it luckily fell out (for at that Time he was recall'd by *Juſtinian*) that he triumph'd over *Vitiges* King of the *Goths*, in *Conſtantinople*, as he had done over *Gillimere* King of the *Vandals*.

THE Emperor *Juſtinian* recall'd *Beliſarius* to *Conſtantinople*, being jealous of his Conduct, and ſent *John* and *Vitalis* to *Italy* in his Room, altogether unlike him in Valour and Manners, which had this Effect, that the *Goths* taking new Courage, choſe *Ildibaldus*, who was Governour of *Verona*, for their King[4]; but he, on account of his Cruelty, was ſoon after kill'd by the *Goths*, and *Eraricus* choſen in his Place, who likewiſe in a ſhort time was put to Death, being ſuſpected to have enter'd into a Confederacy with the *Greeks*, and *Totila* advanced to the Throne.

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[1] Goldaſt. tom. Conſt. Imp.

[2] Caſ. lib. 10. c. 31, 32, 33, 34, 35.

[3] Goldaſt. Conſt. Imp. tom. 1.

[4] We read ſome Edicts of Ildibaldus in Goldaſt. tom. 1. Conſt. Imp.

SECT. II.

Of TOTILA, *King of* Italy.

UNDER this Prince, by his ſingular Virtue, and extreme Bravery, the *Goths* recover'd Vigour, and retook many Provinces which *Beliſarius* had taken; they defeated the Emperor's Army, and regain'd *Tuſcany*. Not long after they recover'd theſe our Provinces, which form the Kingdom. They having regain'd *Samnium*, and deſtroyed *Beneventum*, which they took by Force, threw down their Walls. From thence they went to *Campania*, and beſieg'd *Naples*; and in the mean time took *Cuma*, and all the other Places along the Sea-Coaſt; and during the Siege of *Naples*, their Fleet being made very ſtrong by the infinite Number of *Goths* that flock'd to it from all Parts, they made themſelves Maſters of *Puglia*, *Calabria*, and all the other Provinces, by their Lieutenants, without Reſiſtance; from which they drew immenſe Sums, which had been gathered by *Juſtinian*. The *Neapolitans* at laſt ſurrendered; and altho' they were afraid, that by ſuch Reſiſtance, they ſhould be ſeverely treated by *Totila*, nevertheleſs they had a Proof of the Mildneſs of this Prince, who not only was a Defender and Preſerver of the Chaſtity of the *Neapolitan* Women[1], but treated them kindly, and with the greateſt Humanity. And thus by the Valour of *Totila*, theſe our Provinces, which by the Folly of *Theodatus* had been loſt, return'd anew to the *Goths*.

HITHERTO the Popes had not meddled in the Affairs of State nor of Princes; but were indifferent whether *Italy* were under the Dominion of the *Romans*, *Goths*, or *Greeks*. All their Care was employ'd in reuniting the Church of the Eaſt with that of the Weſt, and in taking Order in various Councils about ſeveral Controverſies which had ariſen amongſt the Biſhops of the Eaſt, both in Doctrine and Diſcipline. The Popes *Silverius* and *Vigilius* were the firſt: *Silverius* being ſuſpected by the *Greeks*, as more deſirous of the Government of the *Goths*, than that of the *Greeks*, was accuſed by *Beliſarius* of keeping a Correſpondence with the *Goths*. *Silverius* on the Death of Pope *Agapitus* had been elected in *Rome* in his Place, and acknowledg'd by the Clergy and People of *Rome*, as lawful Biſhop of that City. On the other hand, *Vigilius* a Deacon of the Church of *Rome*, who having been ſent to *Conſtantinople* about the Affairs of Religion, had remain'd in that City, aſpired likewiſe to the Papacy, and ſeeing himſelf prevented by *Silverius*, who was ſupported by the *Romans* and the *Goths*, left no Stone unturn'd to induce *Juſtinian* to ſend *Beliſarius* again into *Italy* with a powerful Army, and retake from the *Goths* all they had recovered under *Totila*; and had now prevailed with him to do it. He likewiſe uſed all his Art and Cunning with the Empreſs his Wife, promiſing that if ſhe would get him to be elected Pope, he would receive *Theodoſius*, *Antimus*, and *Severus* into his Communion, and approve of their Doctrine.

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[1] Grot. in Prolegom. ad Hiſt. Got.

THEREFORE *Beliſarius* return'd to *Italy* in order to drive the *Goths* out of it; but having carried ſo few Troops with him, he rather loſt the Reputation which he had gain'd by his firſt Expedition, than acquir'd a greater; foraſmuch as *Totila*, while *Beliſarius* with his Forces was at *Oſtia*, took *Rome* in his Sight; and ſeeing that he could neither conveniently leave it nor keep it, he laid it waſte for the moſt Part, and drove the People out of it, carrying the Senators along with him; and undervaluing *Beliſarius*, he went with his Army to *Calabria*, to encounter the Forces that were coming from *Greece* to his Aſſiſtance. *Rome* being deſerted, was immediately retaken by *Beliſarius*, who in all haſte rebuilt the Walls, and recall'd the Inhabitants. *Vigilius*, hearing that *Beliſarius* had retaken *Rome*, left *Conſtantinople* with a ſecret Order from the Empreſs, directed to *Beliſarius* to put her Deſign in Execution. When he came to *Rome* he deliver'd it to *Beliſarius*, promiſing to give him Money if he would put him in Poſſeſſion of that See: *Beliſarius* ſent for *Silverius*, and accus'd him of keeping a Correſpondence with the *Goths*, and urg'd him to acknowledge *Antimus*; which *Silverius* refuſing to do, was ſtript of his Pontifical Garments, and baniſh'd to *Patara*, and *Vigilius* elected in his room. But Fortune ſoon put a Stop to the Proceedings of *Beliſarius*, becauſe at that Time *Juſtinian* being attack'd by the *Parthians*, recall'd him. He to obey his Maſter, abandon'd *Italy*, and this Province was left to the Diſcretion of *Totila*, who retook *Rome*; but it was not ſo cruelly treated as formerly, becauſe being beſought by S. *Benedict*, who in theſe Times had a great Reputation of Sanctity, he rather began to repair it. In the mean time *Juſtinian* having made up Matters with the *Parthians*, and deſigning to ſend new Succours to *Italy*, was diverted from it by the *Sclavonians*, a new Northern People, who had paſs'd the *Danube*, and aſſaulted *Illyricum*, and *Thracia*; ſo that *Totila* reduc'd almoſt all *Italy* under his Obedience.

BUT the *Goths* did not long enjoy the Fruit of ſo many Victories, for *Juſtinian* had no ſooner vanquiſh'd the *Sclavonians*, than he ſent *Narſes* the Eunuch, a Man of great Experience in War, who increas'd his Armies even with Foreigners, ſuch as the *Heruli*, the *Hunni*, and the *Gepidæ*; he likewiſe employ'd the *Longobards*, whom he brought out of *Pannonia*, who afterwards knew ſo well how to improve the Knowledge they had of ſuch a fine Country, and the Occaſion which offered to them, that from Auxiliaries they became Conquerors, as ſhall be related by and by. *Narſes* had not as yet diſengaged himſelf from the Expedition of *Thracia* in order to go into *Italy*, when the Governor of *Tarentum* quitting the Party and Service of *Totila*, delivered up the Place to ſome Imperialiſts, who had landed at *Cortona*; *Totila* being ſurpriz'd at ſo many Loſſes, and amazed at the Greatneſs of the Preparations for War, which were noiſed Abroad, and magnified every where, that *Narſes* was making againſt him, ſent *Teja* a moſt valiant Captain to ſtop *Narſes* at a Paſs; but *Teja* not being able to hinder his Progreſs, *Narſes* removed all Obſtacles, and over-run the Country with a powerful Army, ſo that a Field Battle could not be avoided, in which *Totila* gave the utmoſt Proofs of his Valour, and not being able to withſtand the Forces of his Enemy, far ſuperior to his own, was defeated, and killed, and his *Goths* put to the Rout, and ſubdu'd; whereupon the unlucky *Goths* retired to *Pavia* the beſt Way they could after ſuch a cruel Battle, where they made *Teja* their King, in whoſe Valour and Boldneſs they had plac'd all their Hopes of reſtoring *Italy* to their Dominion. On the other hand, *Narſes* after this Victory took *Rome*, and the other Cities ſurrendered to him.

THIS Defeat ſo diſhearten'd the *Gothiſh* Troops in *Italy*, that they were never after able to re-eſtabliſh themſelves there: but the Loſs of their gallant King *Totila*, was a much greater Detriment to them: A Prince, who by his Valour, and much more by his Prudence and Goodneſs, had been able to repair in ſuch a manner the Condition of his *Goths*, that he had almoſt brought them to the ſame State in which *Theodorick* had left them. He in little leſs than ten Years that he reign'd, left ſo many Monuments of his Valour, his Goodneſs, and his other great Virtues with which he was adorn'd, that there's not a Writer who does not commend, and for his ſo many good Qualities extol him to the Skies: He, altho' a *Goth*, ſays *Paul Warnefride*, lived with the *Romans*, like a Father with his Children, changing nothing of their Laws and Inſtitutions. He continued the ſame Adminiſtration, the ſame Form in the Provinces, and the ſame Government: A great Lover of Juſtice and Equity; and the Speech is truly wonderful [1], which this Prince made to his Soldiers, in Praiſe of Juſtice, and the other Virtues, which we likewiſe read in *Procopius* after he took *Naples*. His Goodneſs and Mildneſs towards the Vanquiſh'd is often celebrated by the ſame Hiſtorian, tho' a *Greek*. He preſerv'd *Ruſticana* untouch'd and ſecure from all Contempt, Wiſe as ſhe was of *Boetius*, a Woman odious to the *Goths*, with whom they had no reaſon to be ſatisfied.

NEITHER have the Hiſtorians paſſed over in Silence his Temperance: It was he, who often ſaved the Chaſtity, and the Liberty of the *Roman* Matrons, and having taken *Naples*, he was moſt zealous in preſerving the Honour of the Women, and puniſh'd ſeverely the Tranſgreſſors that way: He was contented with the moſt ſimple Food with his *Goths*, ſuch as Bread, Milk, Cheeſe, Butter, the Fleſh of wild Beaſts, Veniſon, often raw, and ſometimes ſalted: So that from the Example of this Prince the *Goths* could boaſt of being reputed Temperate, Juſt, and Mild; whereas the *Romans* themſelves, as *Salvianus* [2] ſays, came ſhort of the Virtue, the Juſtice, and the Temperance of the very *Goths*.

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[1] In Goldaſt. tom. 1. Conſt. Imp. where we find many Speeches of Totila.

[2] Salvian. lib. 7. de Guber. Dei.

SECT. III.

Of TEJA *the laſt King of the* Goths *in* Italy.

THE unhappy *Goths*, after the diſmal Defeat which *Narſes* gave them, made uſe of all their Might and Induſtry to find out ready Expedients for repairing their paſt Loſſes; beſides their having choſen for their King, *Teja*, a moſt gallant Prince, they tried to get the Aſſiſtance of the neighbouring Princes. They had recourſe to the *French*, and ſent Ambaſſadors to move them to come to their Aſſiſtance. The Oration of theſe Ambaſſadors deſerves to be read and admired by every Body, it being full of ſo moving and moſt excellent Reaſons, which they ſet forth to the *French*, and may be read as yet in *Agathias* [1]. If the *Goths* are deſtroyed, ſaid they, then the *Romans* will be ready and prepared to renew their old Wars againſt you. Neither will their Covetouſneſs fail to furniſh them with ſpecious Pretexts, and far-fetch'd Excuſes. They will put you in mind of the *Marii*, the *Camilli*, and the many Emperors who made War with the *Germans*, and who extended the Bounds of their Empire beyond the *Rhine*. And by making uſe of theſe Pretexts, they will not have themſelves to be reputed Robbers of other Peoples Dominions, but that they only have a Property in every Thing, and no Body elſe: They brag that what they do, is only recovering with their juſt and lawful Arms, what had been poſſeſſed by their Forefathers: Upon no other account have they made War ſo unjuſtly upon us; as if our

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[1] Agath. lib. 1. Hiſtor.

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ever-glorious Prince, and Author of this Expedition, *Theodorick*, had wrongfully and unjuſtly taken *Italy* from them: therefore they have believ'd it lawful to take from us our Goods, to deſtroy the greateſt Part of our People, and the moſt renown'd and eminent of our Captains, and cruelly to uſe our Wives and Children in carrying them into miſerable Slavery; altho' *Theodorick* came not into *Italy* as an Enemy to them, but by the ſpecial Conceſſion and Permiſſion of their own Emperor *Zeno*, not to take it from the *Romans* who had loſt it, but with his own Troops and his own Valour, having driven out *Odoacre* the foreign Invader, *Jure Belli* acquir'd what he had poſſeſs'd. But after the *Romans* found themſelves re-inſtated, they regarded neither Juſtice nor Reaſon; at firſt they pretended to be offended at *Theodatus* on Account of the Death of *Amalaſuntha*, and afterwards did not fail to make War againſt us unjuſtly and by Force to rob us of every Thing: And yet theſe are the People who boaſt of being the only Wiſe, the only Fearers of God, and who alone direct every Thing according to the Rules of Juſtice. To the End then, that what is our Fate now, may not be yours ſome time or other, and that ye may not repent too late when ye cannot help your ſelves, ye ought now to prevent the Enemy, and not to ſlip the preſent Opportunity in ſending a competent Army, under the Command of one of your brave Captains, who by acting prudently and courageouſly againſt the *Romans*, may put a Stop to their Undertaking againſt *Italy*, and reſtore us to the Poſſeſſion of it.

BUT this Embaſſy was unſucceſsful, for the *French* would give no Ear to it, becauſe *Theodibert*, after the War which he had made upon *Juſtinian*, a little before he died, in the Year 548, had made a firm and ſtable Peace with him, which was afterwards confirm'd by *Theodobald* his Son, who, mindful of the Conditions, could on no Account be induced to break the Peace; till at laſt they undertook not only to make War upon the *Goths* at the Inſtigation of *Juſtinian*, but likewiſe againſt the *Romans*, as the *Goths* had ſo earneſtly deſir'd it: And altho' after the Dominion of the *Goths* had been already extinct in *Italy*, in the Year 555, after the Death of King *Theobald*, *Leotarus*, and his Brother *Bucellinus* General of the Forces of *Auſtraſia*, with the *French* and *Germans*, had attempted the Conqueſt of *Italy*, the firſt having advanc'd into *Puglia* and *Calabria*, and the latter, beſides his having laid waſte *Samnium*, had gone over to *Sicily*; nevertheleſs, their Armies were ſoon after defeated; that of *Leotarus* by a cruel Sickneſs which in one Summer ſwept them all away, and the other of *Bucellinus* by *Narſes* near *Caſilinum*. And this was the firſt time that the *French* endeavour'd to ſubject theſe our Provinces to their Dominion; which was an unlucky Omen, and portended that their Arms were to be always unfortunate in their Undertakings againſt *Italy*, which Experience has demonſtrated to us in the Ages leſs remote from us, and that their Lillies, tho' many times planted in our Soil, could never take deep Root.

THE *Goths* therefore being deny'd Aſſiſtance from the *French*, plac'd all their Hopes in the Valour of *Teja*, who made the moſt ſurprizing Attempts that could be deſir'd in ſuch a deſperate Condition, for repairing the Fortune of the *Goths*. *Narſes* and he met at the Foot of our *Veſuvius*, and *Teja* incamp'd his Army ſo, that the two Camps were only ſeparated by the River *Sarno*; nevertheleſs, they continued Skirmiſhing for two Months, *Narſes* not daring to paſs the River before *Teja*'s Army, which was Maſter of the Bridge, neither durſt he retire, for fear that the *Goths* ſhould have reinforc'd the Garriſon of *Cuma*; but at laſt *Narſes*, who was much ſuperior in Forces, order'd Matters ſo, that he forc'd him to a Battle, who ſhewing the utmoſt Proofs of his Valour and Boldneſs, was unhappily kill'd; which put the *Goths* into ſuch a Conſternation, that ſeeing themſelves depriv'd of ſo gallant a Captain, they reſolv'd to ſurrender to *Narſes*, who allow'd them to depart out of the Territories of the Empire with all the Money they had, and to live according to their own Laws. Thus the Conditions were faithfully perform'd on both Sides after Eighteen Years War, ſo that all the Towns were put into the Hands of the Commiſſaries of *Narſes*, and the *Goths* marched out of *Italy* in the Year of our Lord 553, where they had reign'd Sixty-four Years, from *Theodorick* down to *Teja*.

THUS ended the Dominion of the *Goths* in *Italy*, and theſe our Provinces: A Nation moſt Illuſtrious and Warlike; which in the Heat of War never left off the Exerciſe of Juſtice, Temperance, Faith, and the other excellent Virtues with which they were adorn'd, not ſo barbarous and inhuman as ſome have reputed them. They allow'd the conquer'd People to live after the *Roman* Laws, under which they had been born and bred up; for which Laws they had a very great Regard: neither did they alter the Diſpoſition and Order of theſe our Provinces; did not change the Magiſtracy; retain'd the *Conſulares*, the *Correctores*, and the *Præſides*, and kept up many other Cuſtoms and Inſtitutions, after the ſame manner they had been in the Times of the *Roman* Emperors; though, that theſe our Provinces underwent another Form, and a new Adminiſtration, not while they were under the Dominion of the *Goths*, but when they paſſed under that of the Emperors of the Eaſt, who ſent their Exarchs into *Italy*, and divided the Provinces into many Dukedoms, which ſo alter'd their Diſpoſition, that it was quite different from what it formerly had been, as we ſhall ſee anon.

NEVERTHELESS thoſe Diſorders and Confuſions, which ſo cruel and bloody Wars uſually create in Diſcipline and Learning, could not be avoided. As for the Juriſprudence in theſe Times, it could not be expected that there ſhould be ſo many famous Civilians in *Italy*, nor ſo eminent Profeſſors and Advocates as could be able to reſtore it to its ancient Splendor in the Courts of Juſtice and the Academies: Therefore we ought not to look upon it as a trifling Affair, that in the Midſt of ſo many and cruel Wars, the *Gothiſh* Kings could apply themſelves, as *Athalarick* and *Theodatus* did, to maintain as much as poſſible the ancient Luſtre of the *Roman* Senate, and the Academy of *Rome*, and to furniſh it, as *Athalarick*[1] did, with Profeſſors expert in the Laws, and with famous Grammarians, to prevent the *Latin* Tongue's being altogether loſt amongſt ſo many foreign and barbarous Languages; and certainly in theſe Times it would have been entirely loſt, if it had not been re-eſtabliſh'd in that Academy, and if *Theodatus*, who was a great Lover of it, had not given his Aſſiſtance. From theſe Times, *Rome* was commended for the Purity of the *Latin* Tongue, becauſe in all the other Provinces, the barbarous Languages were at their height; and the Inſtruments, that paſſed the Hands of the *Tabelliones*, whom we now call Publick Notaries, were drawn up in no better Language than what is now ſpoke in *Italy*. *Fornerius*[2], in *Caſſiodore*, relates, that there is preſerv'd in the King's Library in *Paris*, an ancient Inſtrument of a Tranſaction, conceived in no better Stile than what we uſe at this Time; in which one *Stephen*, Guardian to *Gratian* a Minor, tranſacted a certain Law-Plea with him, which was ſign'd in *Ravenna* in the laſt Year of the Empire of *Juſtinian*, to wit, in the 38th, in the 12th Indiction, which fell out in the 564th Year of Chriſt: And therefore it was reckon'd in thoſe Times a very great Qualification to be Maſter of the *Latin* Tongue, for which *Theodatus*, beſides his other Learning, is particularly commended: And even in this Age, *Italy* could boaſt of ſome great Men, ſuch as *Ennodius*, *Jornandes*, *Boetius Severinus*, *Symmachus*, *Caſſiodore*, *Arator*, and ſome others, who were all Men of great Knowledge and Erudition.

JUSTINIAN, by the Means of *Narſes*, having thus routed the *Goths* and retaken *Italy* from them, at the Requeſt, as he ſays, of Pope *Vigilius*, publiſh'd in the laſt Year ſave one of his Empire, a Pragmatical Act[3] conſiſting of many Heads, by which he deſign'd to remedy the Diſorders which *Italy* and the other Weſtern Parts had lain under. It was directed to *Antiochus* Præfect of *Italy*, and dated in *Conſtantinople* in the 37th Year of his Empire: In which, as all the Acts and Donations made by *Athalarick* and *Amalaſuntha* his Mother, and even thoſe of *Theodatus*, are confirm'd; ſo on the other Hand, looking upon *Totila* as a Tyrant, he aboliſh'd, deteſted, and render'd null, all the Acts and Donations made by him during the Time of his Tyranny; and he order'd, that in the Preſcriptions of 30 and 40 Years, the Time ſhould not be computed, whilſt *Italy* was under the Tyranny of *Totila*: That in Law-Suits amongſt the *Romans*, the Military Judges ſhould not concern themſelves, but that the Civil were to decide them: He took Care of the *Superindictiones* laid on the Merchants of the Provinces of *Calabria* and *Puglia*; and put forth many other Laws concerning the State of *Italy*, and theſe our Provinces, which may be ſeen in that Pragmatical Act diſtinguiſh'd into many Heads, which is placed after the *Novellæ*. But we may obſerve a Thing very remarkable in it: Some by Conjectures and Arguments have written, that becauſe the Publication of the Pandects and the Code was committed by *Juſtinian* to the Præfect of *Illyricum*, therefore we ought to believe that they were likewiſe publiſh'd in *Italy*. There's no need of Arguments in a Thing ſo manifeſt: We read, in that Pragmatical Act, that *Juſtinian* by his particular Edict order'd, the Laws inſerted in his Books to be obſerv'd over all *Italy*; but becauſe afterwards in the Reign of *Totila* the Affairs of the *Greeks* went all to wreck, and the *Goths* return'd to their former Dominion, in the midſt of ſo many Revolutions, his Laws ſurely could not take Place. The Affairs of the *Greeks* being afterwards reſtor'd by *Narſes*, and the *Goths* intirely ſubdued, by this Pragmatical Act he would not only have theſe Laws to be obſerv'd over all *Italy*, but alſo that his other Conſtitutions in the *Novellæ*, which he had publiſh'd afterwards, ſhould be likewiſe obey'd; ſo that by God's Permiſſion having formed one Commonwealth, the Authority of the Laws ſhould be one and the ſame in every Part of it, as the Words of the Pragmatical Act import; and as they are remarkable for our Purpoſe, and, for what I know, have never been hitherto taken notice of by any other, it will not be improper to tranſcribe them; *Jura inſuper, vel Leges Codicibus noſtris inſertas, quas jam ſub Edictali Programmate in Italiam dudum miſimus, obtinere ſancimus; ſed & eas quas poſtea promulgavimus Conſtitutiones, jubemus ſub Edictali propoſitione vulgari ex eo tempore, quo ſub Edictali programmate evulgatæ fuerint etiam per partes Italiæ obtinente, ut una Deo volente facta Republica, Legum etiam noſtrarum ubique prolatetur auctoritas.*

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[1] Caſſ. lib. 9. cap. 21.

[2] Forner. in Caſſ. lib. 10. var. c. 7.

[3] Pragm. Juſtin. Poſt. Nov.

BUT altho' the Name of *Goth* was extinct in *Italy*, yet theſe Provinces did not continue long under the Dominion of the Emperors of the Eaſt, neither were the Books of *Juſtinian* of long Duration: After the Death of *Juſtinian* we return'd afreſh, tho' not under the Dominion of the *Goths*, yet under that of the *Longobards*, who derive their Origin from the ſame *Goths*, and of whom they are Branches and Sprouts, as we ſhall ſee when we come to treat of them.

ALTHO' theſe Provinces came under the Empire of *Juſtinian*, yet he had not Time ſufficient for eſtabliſhing his Laws in them, or for his excellent Compilations getting Footing or Stability in them: If they reach'd us, their Memory and all Veſtige of them was ſoon extinct; for *Juſtinian* had ſcarcely acquir'd the Glory of having freed *Italy* from the *Goths*, when he was diverted by the ſecond *Perſian* War, and the Invaſion of the *Huns*, even to his Death, which fell out in the Year 565, in an advanced Age of Eighty-two Years, after having reign'd Thirty-eight Years and Nine Months. A Prince, who if he had not in the End of his Days obſcured his Fame by the *Eutychean* Hereſy [1], which he would embrace, and never adjured, might have exceeded the Glory of many Emperors for Piety, Magnificence, many notable Exploits, and ſignal Victories, which both in Peace and War made him immortal, as all the moſt famous Hiſtorians of his Time repreſent him to us, and thoſe likewiſe who flouriſh'd after him, ſuch as *Theophilus* the Abbot his Maſter [2], *Procopius*, *Agathias*, *Theophanes*, *Zonara*, *Marcellinus*, *Evagrius*, and *Nicephorus* among the *Greeks*; and amongſt the *Latins*, *Caſſiodore*, *Warnifred*, and many others [3]; ſo that the Miſtake of thoſe is now inexcuſable, who believed, from the Teſtimony of *Suidas*, that this Prince was ſo illiterate and unpoliſh'd, that he did not ſo much as know the A, B, C, when he himſelf teſtifies, that he had read and ſurvey'd the Books of his Inſtitutions. The Miſtake proceeds from the Incorrectneſs of the Text of *Suidas*, which *Demetrius Calcondila* caus'd to be printed in *Milan*, where, inſtead of *Juſtin*, as we read in all the Copies of *Suidas* which are in the *Vatican*, we read *Juſtinian* [4]; whence that, which out of a Miſtake is aſcrib'd to *Juſtinian*, ought to be attributed to *Juſtin*, Uncle and adoptive Father of *Juſtinian*, as *Procopius* an Eye-witneſs declares, who affirms, That *Juſtin* from a Shepherd became a Soldier, afterwards a *Comes*, and laſtly, by a wonderful Turn of Fortune, was raiſed to the Imperial Throne; and becauſe he could not write, ſeal'd his Publick Acts with a certain Inſtrument or Signet made on purpoſe, as *Theodorick* likewiſe uſed to do; who, tho' he was ſo great a Prince as we have related, nevertheleſs was ignorant of Learning; and as in latter Times we read of *Withred* King of *Kent*, and of *Thaſſilo* Duke of *Bavaria*: And it was alſo ſaid of *Charles the Great* by ſome, that he could not write, tho' he could read and was very learned.

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[1] Anaſt. Bibliot. Paul. Diacon.

[2] Theophilus Abbas Juſtiniani Præceptor extat apud Photium.

[3] Giphanius, Contius, Alemannus in Notis ad Procopium.

[4] Nicol. Aleman. ad Procop. p. 28.

CHAP. V.

Of the Emperor Juſtin II. *and of the new Polity introduced into* Italy, *and theſe our Provinces by* Longinus *his firſt Exarch.*

AFTER *Juſtinian* died, all his Deſigns were broken, and the Fortune of the Emperors of the Eaſt began to decline as formerly; for he was ſucceeded in the Empire by *Juſtin the Younger*, Son of *Vigilantius* the Brother of *Juſtinian*, very unlike him; who, by his Stupidity, ſuffer'd himſelf to be intirely ruled by his Wife *Sophia*, by whoſe Advice he recall'd *Narſes* out of *Italy*, and in the Year 568 [1], ſent *Longinus* to ſucceed him.

LONGINUS being arriv'd in *Italy* with an abſolute Power and Command, given him by *Juſtin* himſelf, attempted Innovations, and altered the State of it. He was the firſt who gave a new Form to *Italy*, and who introduc'd a new Diſpoſition and a new Government into it, which facilitated its Ruin; altho' he had fixed his Reſidence in *Ravenna*, as the Weſtern Emperors, and *Theodorick* with his *Goths* had done, nevertheleſs he would put *Italy* in another Shape [2]. He took away from the Provinces the *Conſulares*, the *Correctores*, and the *Præſides*, contrary to what the *Romans* and the *Goths* had done, and in all the Cities and Towns of any Moment made Heads, whom he call'd Dukes, and appointed Judges in each of them for the Adminiſtration of Juſtice. In which Diſtribution he honoured *Rome* no more than any of the other Cities [3], becauſe having taken away the Conſuls and the Senate, which Names hitherto had been kept up, he put it under a Duke, whom he ſent every Year thither from *Ravenna*; whence aroſe the Name of the *Roman* Dukedom: And to him who reſided in *Ravenna*, and govern'd *Italy* for the Emperor, he gave the Title not of Duke, but Exarch, in Imitation of the Exarchs of *Africa*. With the *Greeks*, he was called Exarch who preſided over a Dioceſs, that is to ſay, many Provinces of which the Dioceſs was compos'd: So we ſee in the Hierarchy of the Church, that the Biſhop who was put over a Dioceſs, and conſequently many Provinces, of which it was compoſed, was not called Metropolitan, who had only one ſingle Province, but Exarch. Thus *Italy* ſuffer'd greater Changes under the Empire of *Juſtin* Emperor of the Eaſt, than under the *Goths*, who had maintain'd it in the ſame Form and Appearance, in which it had been govern'd and manag'd.

THE Provinces, with reſpect to Government, were chang'd and divided; and as formerly every one had its *Conſularis*, or *Corrector*, or *Præſes*, to whom the Management and Government of them was intruſted; ſo by this new Diviſion, every City or Caſtle had its Duke and Judge, each of whom intermeddled with the Government of them ſeparately, and were only ſubject to the Exarch, who, in *Ravenna* govern'd all *Italy*, at whoſe Diſpoſition they were, and to whom the People had recourſe in Matters of Moment. Whence it was, that in theſe our Provinces the ſo many Dukedoms, which we ſhall ſee in the Reign of the *Longobards*, took their Riſe; ſome of them under the Dominion of the *Greeks*, ſuch as the Dukedom of *Naples*, *Surrentum*, *Amalphis*, *Gaeta*, and *Bari*; and ſome under the *Longobard* Dukes, who having retaken from the *Greeks* almoſt all *Italy*, and a great Part of theſe our Provinces, retain'd the ſame Titles of Dukedoms; whence, above all the reſt, the Dukedom of *Beneventum*, thoſe of *Spoletum*, and *Friuli* rais'd themſelves, as we ſhall ſhew more fully in the following Book of this Hiſtory.

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[1] Marquard. Freher. in Chronologia Exarc. Raven. apud Leunclavium.

[2] Sigon. de Reb. Ital. lib. 1.

[3] Biond. Hiſt. lib. 8. decad. ult. Jo. Sleidan. de Quatuor Sum. Imp. lib. 2.

BUT the Empire of the *Greeks* was of no long Duration in *Italy*, neither could *Longinus* boaſt much of this new Form which he gave it; ſince this minute Diviſion of the Provinces into ſo many Parts, and more Dukedoms, made the Ruin of *Italy* the more eaſy, and gave occaſion to the *Longobards* to make themſelves Maſters of it the ſooner; foraſmuch as *Narſes* being highly offended at the Emperor, for having taken from him the Government of that Province which he had acquir'd by his Virtue and Bravery, and *Sophia* not content with having got him to be recall'd, but ſhe muſt needs likewiſe give him injurious and diſdainful Language, telling him, that ſhe would cauſe him to be put to Spin with the other Eunuchs and Women of her Palace, carried his Wrath ſo far, that, not able to ſmother his bitter Diſpleaſure, he anſwer'd, That he would warp her ſuch a Web that neither ſhe nor her Husband ſhould ever be able to unravel it; and having disbanded his Army, he went from *Rome* to *Naples*, from whence he began to treat with *Alboinus*, King of the *Longobards*, his great Friend, who at that Time reign'd in *Pannonia*; upon whom he wrought ſo much, that at laſt he perſuaded him to come and take Poſſeſſion of *Italy* with his *Longobards*. But ſeeing that by the coming of the *Longobards* into *Italy*, the Affairs of *Italy* took another Turn; and as there were new Laws and a new Polity introduc'd into it, ſo likewiſe theſe our Provinces were divided after another manner, and by taking new Names, were diſpos'd of and govern'd under other *Dynaſtæ*; and at the ſame time ſubjected to the Dominion not of one ſingle Prince, but of divers Nations, ſuch as *Greeks*, *Longobards*, and ſometimes even *Saracens*; it will be neceſſary on Account of the Novelty of the Subject, and the Importance and Variety of the Events, that after we have related the Eccleſiaſtical Polity of this Century, in the following Book we treat of it particularly.

CHAP. VI.

Of the Exterior Eccleſiaſtical Polity.

ALTHO' the Church, in the Reigns of *Arcadius* and *Honorius*, moſt religious Princes, who in a manner deſtroy'd Idolatry in the *Roman* Empire, was, on that Score, in a flouriſhing and peaceable State, nevertheleſs ſhe was invaded with ſo many and ſo various Hereſies, that neither the numerous and frequent Councils, nor the many Conſtitutions of the Emperors publiſh'd againſt Hereticks, were ſufficient to keep her in Peace. Tho' the Heathen Religion, under the Chriſtian Emperors, by the Subjects imitating their Sovereigns, was very much decay'd, nevertheleſs it was not thought proper to extinguiſh it altogether by Force: On the contrary, the aforeſaid Emperors for a long time tolerated the Heathen Temples, and many *Pagan* Superſtitions; and the Worſhip of the Gods [1] was profeſs'd by many, tho' the Number of the Chriſtians was much greater than that of the Heathens. But under the Emperors *Arcadius* and *Honorius*, the Heathen Worſhip was almoſt quite wore out in all the Cities of the Empire; it was only in the Caſtles, the *Pagi*, and in *Campania*, that the Exerciſe of that Religion was kept up; whence comes the Word *Pagani*, which we ſo often meet with in the *Theodoſian* Code [1], to ſignify Idolaters; a Name which at this time is commonly given them by Chriſtians, inſtead of that of *Gentiles.* The Emperors *Theodoſius the Younger* and *Valentinian* III. depreſſed the *Pagans* in ſuch ſort, that, by diſcharging them from being admitted into Military or other Offices, he brought them to that paſs, that the Emperor *Theodoſius* himſelf queſtion'd, if in his Time there was ſo much as one remaining; *Paganos qui ſuperſunt, quamquam jam nullos eſſe credamus* [2]. At laſt he condemn'd and proſcrib'd them, and ordain'd, That if there were ſtill any of their Temples or Chapels remaining, they ſhould be deſtroy'd and converted into Churches [3].

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[1] L. 10. C. Th. de Pagan. lib. 1. & 2. C. Th. de Malefic.

BUT notwithſtanding all the Power of theſe Emperors, there remain'd in *Campania*, in *Pagis*, many ancient Temples, in which the Worſhip of the Gods was kept up; and it continued much longer there, becauſe the Inhabitants were the laſt in parting with their ancient Ways and Cuſtoms; inſomuch, that in our *Campania* 'tis ſaid, St. *Benedict*, in the Time of King *Totila*, threw down the Remains of *Paganiſm*, which had alſo remain'd amongſt the *Goths*, and in the Place thereof erected a Church. There was a vaſt Number of barbarous Nations that continued as yet in the Darkneſs of Idolatry; but above all, what diſturb'd the Church moſt in theſe times, was the Irruption of the *Barbarians*, and the new Dominions of Foreign Princes eſtabliſh'd in the Empire: Theſe, if not altogether *Pagans*, were for the moſt part *Arians*, and confounded and abuſed her; and if *Italy* and theſe our Provinces did not undergo ſuch ſtrange Revolutions, all is owing to the Piety and Moderation of King *Theodorick*, who, tho' an *Arian*, ſuffer'd our Churches to continue in Peace; and as he did not alter the Polity of the Civil and Temporal State, ſo likewiſe he maintain'd in *Italy* the ſame Form and Polity in the Eccleſiaſtical and Spiritual State.

THE ſame Thing happen'd, but upon another Account, to *Gallia*, which was owing to the Converſion of the famous *Clovis* King of the *French*, who, in the Year 496, receiv'd the Chriſtian Religion intirely pure and bright, no ways ſtain'd with the peſtilent Hereſy of *Arius. Spain*, before *Reccarede*, had not the ſame good Fortune; nor *Africa* after it was ſet at Liberty from the *Vandals*; nor *Germany* after it was ſubdued by the *Alemanni*, and other more rude and barbarous Nations; nor *Britain* after the Invaſion of the *Saxons*; and finally, not all the other Provinces of the Weſtern Empire. There were greater Revolutions and Confuſions in the Eaſtern Provinces: The *Huns*, under their famous King *Attila*; the *Alani*, the *Gepidæ*, the *Oſtrogoths*, and laſtly the *Saracens* not only, overturn'd the State of the Empire, but alſo that of the Church.

TO all theſe Misfortunes, the Ambition of the Biſhops of the greater Sees was added, and the bad Uſe the Emperors of the Eaſt made of their Power, who reduced the Prieſthood to ſuch a State, that at laſt they ſubjected Religion intirely to the Will of the Prince. Theſe were the Occaſions of that Change, which we ſhall take Notice of from the Death of *Valentinian* III. to the Empire of *Juſtinian.* We ſhall ſee three Patriarchates in a manner ſunk and extinct, to wit, that of *Alexandria*, of *Antioch*, and of *Jeruſalem*; and that of *Rome* in the Weſt, and the other of *Conſtantinople* in the Eaſt ſprung up, whoſe Churches jarring among themſelves, occaſion'd an implacable and obſtinate Diviſion betwixt the *Greeks* and the *Latins*; and how that of *Conſtantinople*, whoſe Ambition had no Bounds, endeavoured to invade the Patriarchate of *Rome*, and theſe our Provinces, tho' as being *Suburbicariæ* they belong'd to that of *Rome*.

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[1] L. 18. C. Th. de Epiſc. L. 46. C. Th. de Hæret. Gentiles, quos vulgo Paganos appellant. S. Auguſt. lib. 2. Retract. 43. Deorum falſorum, mutorumque cultores, quos uſitato nomine Paganos appellamus. V. Goth. in Notis ad Tit. C. Th. de Paganis.

[2] L. 22. C. Th. de Paganis.

[3] L. 21, 23, 25. C. Th. de Pagan.

SECT.

SECT. I.

Of the Patriarch of the WEST.

THE Pope, who at this Time began to be call'd Patriarch, as well by the *Greeks* as the *Latins*, very juſtly obtain'd the firſt Place among all the Patriarchs, as well becauſe his Chair was fixed in *Rome*, a City once the Head of the World; as for his being the Succeſſor of St. *Peter*, who was Head of the Apoſtles. Therefore the Prerogatives of Primate over all the Churches of the Catholick World were united in his Perſon, it belonging to him, as Head of all the Churches, to have the Care and Inſpection of them, and to watch that the Faith might be preſerved pure and unſpotted, and the Diſcipline conformable to the Canons, and that theſe ſhould be exactly obſerved [1]. His uſual Power, as we have ſeen in the preceding Book, did not extend further than the *Suburbicarian* Provinces, that is to ſay, thoſe that obey'd the Vicar of *Rome*, among which were all our four Provinces, of which our Kingdom is now made up; and to which Limits it was confin'd till the Reign of *Valentinian*.

IN proceſs of Time, becauſe the Prerogatives of Primate were alſo lodged in his Perſon, it was very eaſy to extend them over the other Provinces. By reaſon of his Primacy it likewiſe belong'd to him to have a Care and Inſpection over them; whence he began to ſend his Vicars into ſome Provinces, where he thought there was occaſion. The firſt that were appointed, were thoſe, that were ſent to *Illyricum*: After *Theſſaly*, the Head of the Dioceſs of *Macedonia*, in which the Biſhop exercis'd Exarchal Power, acknowledg'd the Vicars ſent by the Pope, it became ſubject to the Patriarch of *Rome*, who by his Vicars, exerciſed not only the Power of Primate, but likewiſe that of Patriarch; and thus beſides *Macedonia*, it alſo fared with the reſt of the Provinces of *Illyricum*. In progreſs of Time he not only ſubjected all *Italy* to his Patriarchal Authority, but likewiſe the *Galliæ* and *Spain*; whence it was, that not only the *Latins*, but the *Greeks* themſelves in later Times look'd upon the Pope to be Patriarch of all the Weſt, as on the other hand, they would have the Patriarch of *Conſtantinople* to be of all the Eaſt. Beſides the Popes were always ready, and made haſte to ſend Prelates to govern the many Provinces and Nations that embrac'd the Faith of the Catholick Religion, and by that means ſubjected them to their Patriarchate; as it happened to *Bulgaria*, which being brought to embrace the Faith of Chriſt, immediately got an Archbiſhop ſent to it; whence aroſe the ſo many Diſputes about this Province with the Patriarch of *Conſtantinople*, who pretended to it as his Right. Thus by Degrees did the Popes extend the Bounds of their Patriarchate over all the Weſt; whence it came to paſs (not without great wrangling) that they arrogated to themſelves a Power to ordain the Biſhops over all the Weſt, and conſequently to ſuppreſs and overthrow the Rights of all the Metropolitans; beſides, they aſſum'd to themſelves the Ordination of the very Metropolitans. Thus, tho' formerly the Archbiſhops of *Milan*, who were Exarchs of all the *Vicariate* of *Italy*, were ordain'd by the Biſhops of *Italy* only, as we read in *Theodoritus* [2] of the Ordination of S. *Ambroſe*; yet in proceſs of Time the Popes would have them to come and aſk their Conſent to their Ordination, as S. *Gregory* relates in his Letters [3]. They likewiſe took upon themſelves all the Privileges of the Metropolitans with reſpect to Ordinations, by granting the Pall, which they ſent them; for by that the Popes gave full Power to the Metropolitans of ordaining Biſhops in their Province; ſo that conſequently the Power was given them jointly with the Pall: Whence by a new Law, the Metropolitans were forbid the Exerciſe of all Epiſcopal Functions, till they had firſt receiv'd the Pall; and it was alſo ordain'd that they were to take the Oath of Fidelity to the Pope. And in proceſs of Time, it was determin'd likewiſe, that Appeals from the

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[1] Du Pin, de vet. Eccl. Diſcip. Diſſert. 1.

[2] Theod. lib. 4. Hiſt. c. 7.

[3] Greg. lib. 2. Ep. 31.

Sentences pronounc'd by Metropolitans concerning Diſputes about Elections, ſhould devolve to the Pope, in caſe the Electors were negligent, or if the Elected was not a fit Perſon; that it ſhould be in his Power alone to admit of Reſignations of Biſhopricks, and to determine the Tranſlations, the Coadjutorſhip, and the Succeſſion: And finally, that the Confirmation of the Elections of all the Biſhops of the Provinces ſhould belong to him.

BUT all theſe Incroachments, which were made upon the other Provinces of the Weſt, made no Alteration in theſe of which the Kingdom is now made up; for they being *Suburbicarian*, and over which the Pope from the Beginning always exercis'd his Patriarchal Authority, were as formerly ſubject to him; he took no Power from the Metropolitans, becauſe there were none; neither as to the Ordination of Biſhops, was the Diſcipline of the preceding Ages chang'd. Our Churches were not as yet rais'd to be Metropolitan; neither were the Privileges of Metropolitans granted to their Biſhops, by the ſending them the Pall, as was afterwards done: Neither hitherto had they been uſurped by the Patriarch of *Conſtantinople*; for what is related of *Peter* Biſhop of *Bari* [1], who in the Year 530, under the Pontificate of *Felix* IV. had got the Title of Archbiſhop, and the Authority of Metropolitan from the Patriarch of *Conſtantinople*, with Power to conſecrate twelve Biſhops in his Province of *Puglia*, ought not to be carried back to that Year, when theſe Provinces had not as yet been invaded by the *Greeks*, and were under the Dominion of *Athalarick* King of the *Goths*, but to the following Times, when Part of *Puglia*, and *Calabria*, of *Lucania*, and the *Brutii*, and many other maritime Cities of the other Provinces, remain'd in the Hands of the Emperors of the Eaſt, 'twas then that the Patriarchs of *Conſtantinople*, by the Favour of the Emperors, uſurped the Patriarchal Authority over them, as we ſhall relate in the following Books.

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[1] Ughel. de Ep. Bar. Beatillo Hiſt. di Bari, pag. 9.

SECT. II.

Of the Patriarch of the EAST.

IF the Uſurpations of the Patriarchs of *Rome* were great over the Weſtern Provinces, greater and more bold, without doubt, were thoſe of the Patriarch of *Conſtantinople*, over thoſe of the Eaſt: He not only ſubjected to his Patriarchate the three *Autocephalæ* Dioceſſes, to wit, that of *Aſia*, of *Pontus*, and of *Thrace*; but in proceſs of Time, he in a manner extinguiſh'd the three famous Patriarchates of the Eaſt, the *Alexandrine*, the *Antiochian*; and laſtly, that of *Jeruſalem*. Theſe Bounds not having ſatisfied his Ambition, he alſo invaded many of the Weſtern Provinces; neither did he ſpare thoſe of our Country, which in Juſtice belong'd to the Patriarchate of *Rome*.

FROM what mean and ſlender Beginnings the Patriarchate of *Conſtantinople* had its Riſe, may be ſeen in the preceding Book. The Biſhop of *Byzantium*, at firſt, was only a ſimple Suffragan of the Biſhop of *Heraclea*, who preſided as Exarch in *Thrace* [1]. Of all the Patriarchates of the Eaſt, thoſe of *Alexandria* and *Antioch* were the moſt famous and eminent. That of *Alexandria* was in the ſecond Place next to the Patriarch of *Rome*, perhaps, becauſe *Alexandria* was reputed, after *Rome*, the ſecond City in the World: The other of *Antioch* had the third Place, alſo venerable on account of St. *Peter*'s having had his Chair firſt there. Thus the three Parts of the World owned three Churches ſuperior to all the reſt: The Weſt that of *Rome*; the Eaſt that of *Antioch*; and the South that of *Alexandria*. However, the Church of *Rome* did not exerciſe her Patriarchal Authority over all *Europe*, nor that of *Antioch* over all *Aſia*, nor that of *Alexandria* over all *Africa*; each of them, as we have ſeen in the Second Book, did not extend their Authority further than their own Dioceſs: The others obey'd their own Exarchs; and many other Places had their own *Autocephali* Biſhops, that is to ſay, were ſubject to no other. Such were the Biſhops of *Carthage* and *Cyprus* in the Eaſt. Such were once the Biſhops of *Gallia*, *Spain*, and *Germany*, and other more remote Countries in the Weſt. The Churches of *Barbary* were certainly not ſubject to any Patriarch, but were govern'd by their own Biſhops. Thus the Churches of *Ethiopia*, *Perſia*, and the *Indies*, and other Countries not ſubject to the *Roman* Empire, were govern'd by their own Prieſts.

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[1] Gelaſ. Epiſt. 1.

THERE was yet another Patriarch in the Eaſt, to wit, that of *Jeruſalem*. If we conſider the Diſpoſition of the Empire, the Biſhop of *Jeruſalem* deſerv'd that Prerogative no leſs than the Biſhop of *Byzantium*; and as the one was a Suffragan to the Metropolitan of *Heraclea* in *Thrace*, ſo the other was a Suffragan to the Biſhop of *Cæſarea*, Metropolis of *Paleſtine*: But even with great Reaſon the Honour of Patriarch was given to the Biſhop of *Jeruſalem*: From the Times of the Apoſtles it being eſteem'd a great Honour to ſit in the Chair placed in the holy City, where our Saviour inſtituted his Church, and from which the Goſpel was ſpread over all the World: and where the Author of Life converſed amongſt us, and where he left the Land ſprinkled with his Blood:

Where his Life he ſpent, his Life he ſacrific'd,
His Body here entomb'd, to Life he rais'd.

But tho' we may ſee in a thouſand Examples, that the Polity of the Church kept pace with that of the Empire; and as the one chang'd its Form and Diſpoſition, ſo likewiſe did the other, yet ſurely nothing can convince us more of the Truth of this, than the raiſing of *Conſtantinople* to a Patriarchate. After that *Conſtantine the Great* had made that City ſo illuſtrious and magnificent, by making it the Seat of the Empire of the Eaſt, with a Deſign to render it equal to *Rome*, and next to which it might be reputed the ſecond City of the World; its Biſhop began likewiſe to exalt himſelf, and ſhake off the Yoke of his Metropolitan. Becauſe *Conſtantinople* was eſteem'd another *Rome*, we ſee that in the Council of *Conſtantinople* [1], the firſt Honours were allow'd to its Biſhop next to that of *Rome*, *eo quod ſit Nova Roma*. Thus tho' formerly next to the *Roman*, the firſt Honours were due to the Patriarchate of *Alexandria*, yet now that of *Conſtantinople* came into its Place. 'Tis true, as *Du Pin* well proves [2], that the Honours only were granted its Biſhop by the Council, and not any Patriarchal Juriſdiction over the three *Autocephalæ* Dioceſſes: But it was enough, that by the ſpecious Pretexts of theſe Honours, he might begin his Incroachments; it was not long before he invaded *Thrace*, and exerciſing there his Exarchal Power, made himſelf Exarch of that Dioceſs, and eclips'd the Rights of the Biſhop of *Heraclea*.

AFTER having eſtabliſh'd himſelf in *Thrace*, his Ambition puſh'd him to extend his Bounds further; he invaded the neighbouring Dioceſſes, to wit, of *Aſia* and *Pontus*, and at laſt ſubjected them to his Patriarchate. He did not ſnatch them at once, but from time to time by the Favour of Councils, and more by that of the Emperors. S. *John Chryſoſtome* pav'd the Way more than all the other Biſhops of *Conſtantinople*, for getting full Poſſeſſion of them: at laſt he came to uſurp not only the Power of Ordaining the Metropolitans of *Aſia* and *Pontus*, but he obtain'd a Law from the Emperor, that none could be ordain'd Biſhops without the Authority of the Patriarch of *Conſtantinople*; ſo that, being ſupported by this Law, he took upon him afterwards to ordain ſimple Biſhops. Thus did the Patriarchs of *Conſtantinople* poſſeſs themſelves of *Aſia* and *Pontus*; which afterwards, in order to render their Conqueſt the more ſure, they got confirm'd by the Council of *Chalcedon*, and by the Edicts of the Emperors [3]. The Popes oppos'd their aggrandizing themſelves ſo much: S. *Leo* diſputed it with them, as did alſo his Succeſſors, but eſpecially *Gelaſius* [4], who held the See of *Rome* from the Year 492. to 496. But all their Endeavours were in vain, becauſe the Patriarchs of *Conſtantinople* were all favour'd by the Emperors, ſo that not only the ſecond Rank of Honour, next to the Patriarch of *Rome*, was confirm'd, but alſo the Juriſdiction of *Pontus*, of *Aſia*, and of *Thrace*. The Emperor *Baſiliſcus* in one of his Edicts quoted by *Evagrius* [1], ratified it to them: The Emperor *Zeno* by one of his Conſtitutions, which we yet read in our Code, did the ſame [2]; and laſtly, our *Juſtinian* by his *Novellæ* [3], to back what had been ordain'd by the Canons of the Council of *Chalcedon*, ordered the ſame, which aſterwards was approved of by the Conſent of the Univerſal Church; for the Canons of the Councils of *Conſtantinople* and *Chalcedon*, having been inſerted in the Codes of the Canons of the Church, in the following Centuries it was taken for granted, that the Patriarchate of *Conſtantinople* held the ſecond Rank of Honour and Juriſdiction over all thoſe three Dioceſſes.

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[1] Conc. Conſtantin. c. 3.

[2] Du Pin, loc. cit. Diſſert. 1.

[3] Liberat. in. Breviar. c. 13.

[4] Gelaſ. Epiſt. 4. & Ep. 13. ad Epiſcopos.

THUS did this Patriarch out-ſtrip the three others which were in the Eaſt: Theſe three Sees loſt their ancient Luſtre and Splendor, not only by the aggrandizing of the other, and by the frequent Incurſions of the Barbarians, who invaded their Dioceſſes, but much more by the Factions and Diſputes which often aroſe amongſt them, about Elections, and concerning Doctrine and Diſcipline; and from that Time forward, the Patriarchal Sees were rank'd after this manner; the *Roman*, the *Conſtantinopolitan*, the *Alexandrine*, the *Antiochian*, and that of *Jeruſalem*. The Council of *Conſtantinople* which was celebrated in the Year 536, obſerv'd this Order. And *Juſtinian*, both in his Code [4], and in his *Novellæ* [5] did the ſame, as alſo all the other Writers, as well *Greek* as *Latin*. However, the Title of Patriarch was not reſtricted to theſe five only, ſometimes it was given to eminent Metropolitans; ſo in the above cited Council of *Conſtantinople*, it was given to *Epiphanius* Biſhop of *Tyre*; and *Juſtinian* both in his Code, and his *Novellæ*, generally gives this Title to Exarchs, who had the Government of ſome Dioceſſes: But not long after this Title was reſtricted to the above five only.

BUT in the Weſt it continued, as formerly, to be given to other Biſhops and Metropolitans. In *Italy* our King *Athalarick*, as we read in *Caſſiodore* [6], called the Biſhops of *Italy* Patriarchs, and the Pope their Head, as ſuch, Biſhop of the Patriarchs. The Biſhops of *Aquileja* and *Grado*, are likewiſe call'd Patriarchs by *Paul Warnefride* [7]. In *France* this Title was alſo given to the moſt eminent Metropolitans and Primates. *Gregory* of *Tours* [8] calls *Nicetius*, Patriarch of *Lyons*. The Council of *Maſcon*, which was held in the Year 585, likewiſe calls *Priſcus* Biſhop of that City Patriarch [9]. *Deſiderius* of *Cahors* call'd *Sulpitius* Biſhop of *Bourges* alſo Patriarch; and *Hincmarus* of *Rheims* does not diſtinguiſh betwixt the Patriarchs, and the Primates [10]. So likewiſe in *Africa* the firſt Biſhop of the *Vandals* aſſum'd the Title of Patriarch, at which the Catholick Biſhops laugh'd; and in proceſs of Time, the firſt Biſhop of thoſe Nations that embrac'd the Faith of Chriſt, was call'd Patriarch. *Bulgaria* being converted to the Faith, the firſt Archbiſhop and his Succeſſors took the Name of Patriarch. At this Time the Chriſtians of the Eaſt have ſuch Patriarchs, where, excepting thoſe, which are properly call'd *Greeks*, who ſtill retain the four Patriarchs, of *Conſtantinople*, of *Alexandria*, of *Antioch*, and of *Jeruſalem*, tho' the Popes uſe likewiſe to create Titulars: There are as many Patriarchs as Sects; the *Jacobites* have their Patriarch; the *Maronites* theirs; and both take the Title of Patriarch of *Antioch*. The *Cophti* have likewiſe theirs, who calls himſelf Patriarch of *Alexandria*, and keeps his See there. The *Abyſſins* have theirs, who governs all *Ethiopia*, tho' it be in a manner ſubject to the Patriarch of the *Cophti*. The *Georgians* have an *Autocephale* Archbiſhop ſubject to none. The *Armenians* have two general Patriarchs: The firſt reſides in *Arad* a City of *Armenia*; the other in *Cis* a City of *Caramania*.

WE have ſeen how much the Patriarch of *Conſtantinople* raiſed himſelf above the other Patriarchs of the Eaſt, and how much he inlarg'd the Bounds of his Patriarchate in this Century, to the Empire of *Juſtin*. In the two following Centuries we ſhall ſee him, being grown much greater, incroach upon other Provinces and Nations; for thoſe Limits being too narrow for his Ambition, in the Time of *Leo*

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[1] Evagr. lib. 3. cap. 3.

[2] L. Decernimus 16. C. de Sacroſ. Eccl.

[3] Nov. 131. cap. 1.

[4] Cod. lib. 1. tit. 3. c. 47. & tit. 46. c. 34.

[5] Nov. 3. c. 2. Nov. 6. c. 3. Epilog. Nov. 7. & 123. c. 22, 23.

[6] Caſ. lib. 9. c. 15.

[7] Paul Wornefr. lib. 3. c. 7. & lib. 6. c. 11. & lib. 4. c. 10.

[8] Greg. Turon. lib. 3. Hiſt. c. 20.

[9] Tom. 5. Concil. col. 980.

[10] Hincmar. in lib. Capit. 55. c. 17.

[11] Du Pin, loc. cit. Diſſer. 1.

Iſauricus, we ſhall ſee him take Poſſeſſion of *Illyricum*, *Epirus*, *Achaia*, and *Macedonia*: We ſhall likewiſe ſee him ſubject *Sicily*, and many Churches of theſe our Provinces to his Patriarchate, and in the end diſpute with the Pope for *Bulgaria*, and other Countries.

SECT. III.

The Eccleſiaſtical Polity of theſe our Provinces under the Goths, *and under the* Greeks, *to the Reign of* Juſtin II.

THEODORICK, and the other Kings of the *Oſtrogoths* his Succeſſors, tho' *Arians*, ſuffer'd, as is ſaid, our Churches to continue in Peace; and the ſame Polity that they found, was by them maintain'd inviolate and untouch'd. The Pope was ſupported in them, and, as formerly, exerciſed his Patriarchal Authority over theſe our Provinces as Suburbicarian, ſo that he was acknowledg'd both as Patriarch and Metropolitan; for hitherto our Metropolis's, in what concern'd Eccleſiaſtical Polity, had neither Archbiſhop nor Metropolitan: In the Cities as formerly, there were ſimple Biſhops, who own'd the Pope for their Metropolitan; whence *Athalarick*[1], who uſed to give the Title of Patriarch likewiſe to the Biſhops, call'd him the Biſhop of the Patriarchs. And in ſome Cities of *Italy*, in the Reign of the *Goths*, as alſo of the *Longobards*, who were likewiſe *Arians*, there were ſeen in the ſame City two Chairs, poſſeſſed by two Biſhops, the one Catholick, and the other Arian; in theſe our Provinces, which were always ſtedfaſt, and never polluted with the Errors of *Arius*, all the Biſhops profeſs'd the Faith of *Nice*, and kept their Churches pure and unſpotted, and maintain'd the ancient Doctrine, and the ſame Diſcipline, which the Church of *Rome* their Miſtreſs and Guide obſerv'd. The Biſhops govern'd their Churches by the common Advice of the Presbytery. There was no other Hierarchy obſerv'd in them, than of Prieſts, Deacons, Sub-Deacons, Acolyts, Exorciſts, Readers, and Door-Keepers.

THE Biſhops were likewiſe elected by the Clergy and People, and ordain'd by the Pope, as formerly, altho' the Favour of the Princes began to have Weight: *Grotius*[2] is of Opinion, that the *Gothiſh* Kings, whether Arian or Catholick, *ſemper Epiſcoporum Electiones in ſua poteſtate habuere*, and ſays, that the ſame was alſo obſerv'd by *Joannes Gartia*; but it will not hold true of our *Gothiſh* Kings, who made uſe of no other Power but what had been exerciſed by the Emperors, both of the Weſt and the Eaſt. They, as Guardians and Protectors of the Church, and who look'd upon her Government and outward Polity alſo to belong to them, believ'd it was in their Power, and incumbent upon them to regulate the Elections by their Laws, to cruſh Ambition, and to remedy Diſorders and ſeditious Tumults, and often to prevent them; to make up Diſcords, which often happen'd by the Factions of Parties, and to decide Controverſies which aroſe about theſe Elections; but they left the Election to the Clergy and the People, as they did the Ordination to the Provincial Biſhops, or the Metropolitans. *Odoacre* King of the *Heruli*, the more immediate Succeſſor in *Italy*, to the Rights of the Emperors of the Weſt, than *Theodorick*; in the Election of the Biſhop of *Rome*, and the other Biſhop of *Italy*, would exerciſe the ſame Power: *Baſilius* his *Præfectus Prætorio*, always had a watchful Eye upon that, and even, as he ſaid, by the Advice of Pope *Simplicius*, who on his Death-bed gave it him in Charge, to ſee that no Election was made without his Advice and Direction[3].

IT was obſerv'd, that *Theodorick* made uſe of the ſame Authority in putting an end to the Schiſm which aroſe in the Church of *Rome* in his Time, betwixt *Laurentius* and *Symmachus*, as the Emperor *Honorius* had done, in that betwixt *Boniface* and *Eulalius*; by the Death of Pope *Anaſtaſius*, which fell out in the End of the

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[1] Caſ. lib. 9. c. 15.

[2] Grot. in Prolegom. ad hiſt. Got.

[3] Conc. Roman. ſub Symmac. cap. benè 1. Diſt. 96.

Year 493, they both pretended to be advanc'd to that See: *Symmachus* Deacon of that Church was choſen by the greateſt Number, and Ordain'd; but *Feſtus* a Senator of *Rome*, who had promiſed the Emperor *Anaſtaſius* to get a Pope choſen, who ſhould be obſequious to his Will, cauſed *Laurentius* to be elected and ordain'd: The two Parties went to *Ravenna* to be judg'd by King *Theodorick*, who determin'd, that he who had been firſt elected, and had had the greateſt Number of Votes, ſhould be Biſhop of *Rome*: *Symmachus* had both theſe Advantages over *Laurentius*; whereupon he was confirm'd in that See, and in the firſt Year of his Pontificate held a Council, wherein there were ſome new Canons made in order to prevent Competitions in ſuch Elections for the future. Thoſe, who had oppoſed the Ordination of *Symmachus*, ſeeing him in Poſſeſſion in ſpite of them, did all they could to get him turn'd out; therefore they accus'd him of many Crimes, ſtirr'd up a great Part of the People and Senate againſt him, and demanded a Viſitor of King *Theodorick*, who might take Cognizance of theſe Accuſations: *Theodorick* nam'd *Peter* Biſhop of *Altino*, who raſhly, and contrary to Juſtice, immediately depriv'd the Pope of the Adminiſtration of his Dioceſs, and of all Power over the Church: This precipitate Action rais'd great Diſorders, and pernicious Tumults in *Rome*; for quieting of which, *Theodorick* in the Year 501, cauſed a Council to be call'd in *Rome*, to which he invited all the Biſhops of *Italy* [1]. Almoſt all the Biſhops of our *Campania* went to it, as alſo the Biſhops of *Capua*, *Naples*, *Nola*, *Cuma*, *Miſenum*, *Pozzuolo*, *Surrentum*, *Stabia*, *Venafro*, *Seſſa*, *Aliſe*, *Avellino*, and ſome others of the other Cities of this Province. From *Samnium*, the Biſhops of *Beneventum*, *Iſernia*, *Bojanum*, *Altina*, *Chieti*, *Amiternum*, and others went.

FROM theſe two Provinces, as being neareſt to *Rome*, there went a great many: From the other two of *Puglia* and *Calabria*, of *Lucania* and *Brutium*, as being more remote from *Rome*, and nearer the *Greeks*, very few went. The Biſhops of *Emilia*, of *Liguria*, and of *Venice*, likewiſe went; who in paſſing thro' *Ravenna*, ſpoke to *Theodorick* in favour of *Symmachus*; and being arriv'd at *Rome*, without ſo much as examining the Accuſations laid againſt *Symmachus*, they declar'd him Innocent to the People, and abſolv'd him; and they managed it ſo with King *Theodorick*, that he was ſatisfied with the Sentence; and the People and Senate, who had been much incenſed againſt the Pope, were pleaſed, and acknowledg'd him for true Pontiff. Nevertheleſs there were ſtill ſome Malecontents, which occaſion'd ſome Writings againſt that Synod; but the Biſhop of *Pavia* anſwered them, which was approved of in another Council held in *Rome* in the Year 503, in which the Sentence of the firſt Synod was confirmed. The Calumnies invented againſt *Symmachus* were carried to the Eaſt, and the Emperor *Anaſtaſius*, who had left the Communion of the *Roman* Church, upbraided him with them; *Symmachus* in an *Apologetick* Writing juſtify'd himſelf ſufficiently, and in ſpite of his Enemies continu'd peaceable Poſſeſſor of that See to the Year 514, in which he died.

IN thoſe Times it was reckon'd the peculiar Right of Princes to regulate theſe Elections, in order to prevent Caballing and Seditions. And *Athalarick* being mov'd by the preceding Schiſms which fell out in *Rome* about the Election of their Biſhop, and deſirous to make a Rule for the Time to come, to prevent the like Diſorders, in imitation of the Emperors *Leo* and *Antemius*, made a rigorous Edict, which he directed to Pope *John* II. who, in the Year 532, had ſucceeded to *Boniface* in the See of *Rome*, by which he regulated the Elections not only of the *Roman* Pontiffs, but likewiſe of all the Metropolitans and Biſhops, by impoſing ſevere Penalties on thoſe, who out of Ambition, or by Money, ſhould aſpire to poſſeſs the Sees, declaring them Sacrilegious and Infamous; and that beſides the Reſtitution of the Money, and other heavy Fines, which were to be employ'd in the Reparation of the Fabricks of the Churches, and in maintaining the Miniſters of them, they were to be ſeverely puniſh'd by their Judges, and their Elections as *Simoniacal* made void and invalid: By this Edict he provided againſt Contentions and Debates about Elections, which when complain'd of to him by the People, he immediately caus'd them to be examin'd and decided; declaring, That what he had eſtabliſh'd by this his Edict, did not only concern the Election of the Biſhop of *Rome*, *Sed etiam ad univerſos Patriarchas, atque Metropolitanas Eccleſias*. This Edict was drawn up by *Caſſiodore* [2], who, though he was a Catholick, and moſt converſant in Eccleſiaſtical Matters, ſo much that at preſent he is eſteem'd none of the meaneſt Writers of the Church, and by ſome reputed a Saint, perhaps becauſe he died a Monk of *Caſino*[1], not only made no Difficulty in drawing it up, but even adviſ'd it, as a Thing very convenient for his Prince; neither was it thought, according to the Maxims of this Age, ſtrange or foreign to his Royal Authority. It was directed to Pope *John* II. who receiv'd it with a great deal of Reſpect and Eſteem, neither did he ever complain of it; on the contrary, if 'tis true, that that Letter was his, which we read among the Laws of the Code[2] written to the Emperor *Juſtinian*, wherein he ſo much commends his Care about the Eccleſiaſtical Diſcipline (for *Hottomanus*[3] and others[4] doubt of it, tho' it be aſſerted by *Fachineus*[5]) we ſee that this Pope never diſputed that Power which the Princes claim'd in the Diſcipline of the Church. And beſides *Athalarick* ordered *Salvantius*[6], who was at this Time Præfect of *Rome*, that without delay he ſhould publiſh it to the Senate and People of *Rome*; and in order to perpetuate the Memory of it to future Ages, ordain'd him to cauſe it to be engraven on Tables of Marble, which he was to place before the Porch of St. *Peter* the Apoſtle for a publick Teſtimony[7].

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[1] Paul Warnifrid. Zonaras Grot. in Proleg. ad Hiſt. Got.

[2] Caſ. lib. 9. c. 15.

THE *Gothiſh* Kings, as Succeſſors of the Emperors of the Weſt, would keep up all theſe Prerogatives, which theſe had exerciſed in the exterior Eccleſiaſtical Polity, to which their ſo many Conſtitutions which are regiſtred in the laſt Book of the *Theodoſian* Code, bear Witneſs. Thus it belonging to them to ſettle the Degrees, within which Marriages could be contracted[8], and to forbid Marriages within the neareſt Degrees, and to diſpenſe with them by their Reſcripts[9], and their taking Cognizance in matrimonial Caſes, it ought not to ſeem ſtrange, that amongſt the Formularies related by *Caſſiodore*[10], we likewiſe read that of our *Gothiſh* Kings made about Diſpenſations, which were wont to be granted in Degrees prohibited by the Laws. So likewiſe that the *Goths* imitated what the Emperors of the Weſt and Eaſt did, in not allowing their Subjects without their Conſent, to dedicate themſelves to the Church, or Monaſteries, of which we have many Evidences remaining in the *Theodoſian* Code: *Grotius* writes[11], *Non minus laudanda cautio, quod ſubditorum ſuorum neminem permiſere ſe Eccleſiis, aut Monaſteriis mancipare, ſuo impermiſſu.*

THE ſame Polity concerning this Matter was kept up in theſe our Provinces, when they paſſed from the *Goths* to the Emperors of the Eaſt, and much more under the Emperor *Juſtinian*. The Emperors of the Eaſt follow'd the ſame Footſteps; and we read many Edicts concerning the outward Polity of the Church, of the Emperor *Martianus*, who was the moſt moderate of them all, as *Facundus*[12] Biſhop of *Hermania* in *Africa* wrote. The Emperor *Leo*, follow'd afterwards by *Athalarick*, likewiſe diſcharg'd the Election of Biſhops by Ambition, or Simony; and beſides the Penalty of Degradation impoſed by the Council of *Chalcedon*, he added that of Infamy; and *Antemius* did the ſame[13]. But above all the other Emperors of the Eaſt, *Juſtinian* was he, who took the greateſt Care, and concern'd himſelf the moſt about Eccleſiaſtical Diſcipline; whence it came to paſs, that the laſt Emperors of the Eaſt, not knowing how to keep themſelves within Bounds, went ſo far, that at laſt they intirely ſubjected the Prieſthood to the Authority of the Prince. His *Novellæ* for the moſt part are ſtuffed with ſo many Edicts about the Diſcipline of the Church, that on that account he is reckon'd amongſt the Number of the Eccleſiaſtical Authors: He made many Laws concerning the Ordination of Biſhops, their Age, what was requir'd of them in order to qualify them for being elected and promoted to a Biſhoprick, their Reſidence, their Learning, and Privileges, and a Multitude of other Things belonging thereto. He regulated the Convocation of Synods and Councils, and preſcrib'd their Time. He made various Rules about the

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[1] P. Garet. in vita Caſſiod.

[2] L. inter. claras, Cod. de ſumma Trinit. & Fid. Cath.

[3] Hot. 1. obſ. 7. c. 2.

[4] V. Alciat. lib. 5. par. cap. 23. Cujac. obſ. 32. c. 26.

[5] Fachin. Controv. lib. 8. cap. 1.

[6] Caſ. lib. 9. c. 15.

[7] Leges olim in atriis Eccleſiæ locabantur, Cujac. lib. 1. Feud. tit. 17. Juret. ad Caſſiod. lib. 9. c. 16.

[8] L. 3. l. 16. C. Th. de inceſt. nupt. Ambr. Epiſt. 66. ad Patern. lib. 8. l. Si quis C. de inceſtis nupt. l. in celebrandis, C. de nupt.

[9] L. 1. C. ſi nuptiæ ex reſcripto petantur. V. Launojo in Tract. Regia in Matrimon. poteſtas par. 3. art. 1.

[10] Caſſiod. lib. 7. c. 46.

[11] Grot. in Proleg. ad Hiſt. Got.

[12] Facund. lib. 12. c. 3.

[13] Jacob. Got. in Cod. Th. tom. 6. Anthem. l. ſi quemquam, C. de Epiſc. & Clericis.

Manners and Conduct of Prieſts, Deacons, Sub-Deacons, their Immunities and Perſonal Functions. He made many Edicts touching the Degrading of the Clergy, and the Regularity and Profeſſion of Monks. By his Laws he gave more Strength and Vigour to the Canons, which had been eſtabliſh'd in divers Councils, injoyning the Obſervance of them by the Metropolitans, Biſhops, and all the other Eccleſiaſticks; adding ſevere Penalties on thoſe who ſhould trangreſs them, by being depoſed and degraded from their Orders; and he put forth many other Edicts concerning Eccleſiaſtical Matters, which may be ſeen in his *Novellæ*, and his Code.

IT belong'd likewiſe to the Oeconomy of the Prince to prevent the Abuſe of the Keys in Biſhops: So that when they excommunicated any Perſon wrongfully, he immediately oppoſed them; and *Juſtinian* himſelf, by a Law[1], diſcharg'd the Biſhops from Excommunicating, until the Reaſon ſhould be firſt verified: And in the *Baſilici* we ſee yet a particular Law[2], inhibiting Biſhops from Excommunicating without a juſt Cauſe, and when what is required by the Canons did not concur; whence it came to paſs, that the Princes in their Kingdoms, which they eſtabliſh'd in *Europe* after the Decay of the *Roman* Empire, would maintain this Right, as the *Spaniards* and *French* practiſe, and as we likewiſe ſee every Day in our Kingdom; of which we ſhall have occaſion elſewhere to diſcourſe at large. Neither were thoſe Laws in theſe Times thought to exceed the Imperial Authority, but were commonly receiv'd by *Juſtinian*, as well in the Eaſt as the Weſt, as *Joannes Scholaſticus* Patriarch of *Conſtantinople*, *S. Gregory the Great*[3], *Hincmarus*[4], and others teſtify: And if the Epiſtle be not Apocryphal, which we read in our Code[5], the ſame Pope *John* II. commends him and is his Panegyriſt, for the Care and Concern which he ſhew'd for the Eccleſiaſtical Diſcipline.

JUSTIN his Succeſſor follow'd his Footſteps, under whoſe Empire we now ſee theſe our Provinces; ſo that hitherto the Eccleſiaſtical Polity of them has not been alter'd, but the ſame retain'd both by the *Goths* and the *Greeks*, which had been obſerv'd in the preceding Centuries under the Succeſſors of *Conſtantine* down to *Valentinian* III. Emperor of the Eaſt.

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[1] Novel. 123.

[2] Baſil. l. 30. C. de Epiſcopis & Clericis.

[3] Greg. lib. 2. epiſt. 54.

[4] Hincmar. Opuſc. cap. 17.

[5] L. inter claras, C. de Summa Trinit. & Fid. Cath.

SECT. III.

Of MONKS.

HOWEVER theſe our Provinces in this Century began to be ſenſible of ſome Change with reſpect to Monachiſm, which was now in its Perfection, and eſtabliſh'd in them. Neither the *Solitarii* nor *Cænobitæ* were eſtabliſh'd in our Parts, before the Reign of *Valentinian*, as we have ſeen in the preceding Book; but no ſooner was the Monaſtick Order compleated in the Eaſt, as well by the Laws of the Emperors, as the various Aſcetick Treatiſes, than the Order of St. *Baſil* became, above all the reſt, ſo famous and numerous, that in our two moſt Neighbouring Provinces to the *Greeks*, to wit, *Puglia* and *Calabria*, *Lucania* and *Brutium*, they began to found Monaſteries of that Order in ſome Cities of them, which they call'd *Baſilians*.

IN the two other, which, as they were more diſtant from the *Greeks*, ſo were nearer to *Rome*, to wit, *Campania* and *Samnium*, Monachiſm was eſtabliſh'd under many Rules, but eſpecially that of St. *Benedict*, which Order was ſo ſucceſsful, that being eſtabliſh'd in our *Campania*, it ſpread it ſelf in a ſhort time, not only over all *Italy*, but likewiſe over *France* and *England*.

St. *Benedict* was born in *Norcia*, a City in the Dioceſs of *Spoletum*, about the Year 480. He was ſent to *Rome* when he was young to Study[1], but being wearied of the World, he retir'd to *Subiaco* Forty Miles diſtant from *Rome*, and ſhut himſelf up in a Grotto, where he remain'd for the Space of three Years, without being known to any body, except to *Romanus* a Monk, who ſupplied him with Food from his Neighbouring Monaſtery. Being afterwards known, the Monks of a Monaſtery in the Neighbourhood, by the Death of their Superior, elected him for their Abbot; but their Ways not ſuiting with thoſe of *Benedict*, he retir'd again to his Solitude, where being viſited by many People, he buit twelve Monaſteries, of which the Abbot of *Nuce* gives us the Names, and the Places where they were founded [1]. From thence, in the Year 529, he came to our *Campania* [2], and ſettled himſelf on the Hill which takes its Name from *Caſſinum*, an ancient *Roman* Colony, ſituated on the Side of it, about Fifty Miles diſtant from *Subiaco*, and Seventy from *Rome*. Hard by, he threw down a Relick of *Gentiliſm*, which had continued in that Corner in the Time of the *Goths*, and in its Place erected a Church, which he dedicated to SS. *Martin* and *John*. The prodigious Things he did there, and the Sanctity of his Life, drew People to that Place, and many remain'd with him under his Rules. He became much more famous, by the Opinion and Eſteem which *Totila* King of *Italy*, and a great many noble *Romans* had of him: On which Account, the Number of his Monks encreas'd, and Perſonages of the greateſt Note enroll'd themſelves there; whence he extended his Rule, and laid the Foundation of a great Order.

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[1] S. Greg. in Vita S. Benedict.

THE Devotion of the People, and the Fame of his Sanctity, drew likewiſe the Piety of many Nobles to inrich him with Lands and Goods. *Tertullus* a *Roman* Patrician, while St. *Benedict* was ſtill alive, gave him all that Tract of Land which lies round the Monaſtery [3]; whence *Zacharias* in his *Diploma*, ſaid, that this Monaſtery was built *in ſolo Tertulli* [4]: He likewiſe gave him many other Poſſeſſions which he had in *Sicily*; and *Gordonius*, Father of St. *Gregory the Great*, gave him a Village which he poſſeſſed in the Neighbourhood of *Aquinum*. Thus, by degrees, *Benedict* being ſtill alive, this Monaſtery began to grow very numerous and famous for the Quality of its Monks, and rich by the many Donations which were daily made. Its Fame could not be confin'd to *Campania* only; Monks of known Probity and Learning were ſent to found other Monaſteries in the other Provinces. *Caſſiodore*, one of the moſt famous Men of this Age, when he was Seventy Years old, retired from the Court and turn'd Monk; and being entic'd by the Fame of St. *Benedict*, who was yet alive, he would build a Monaſtery in *Brutium*, particularly in *Squillace* the Place of his Birth, and according to *P. Garetius* [5] and *Du Pin* [6], he put it under the Rule of St. *Benedict*, under which he liv'd; and afterwards govern'd it himſelf, and ſpent the remaining Twenty-five Years of his Life there: He died very old, at the Age of more than Ninety-five Years, about the Year 565 of our Salvation, whence *Bacon* of *Verulam* makes him about an Hundred [7].

THIS is the *Vivarieſian* or *Caſtelleſian* Monaſtery of which *P. Garetius*, a *Benedictine* Monk of the Congregation of St. *Maur*, treats at large [8]; founded by *Caſſiodore* its Abbot, not far from *Squillace*, at the Foot of the Mountain commonly call'd *Moſcio* or *Caſtelleſe*, from a Village of that Name in the Neighbourhood, the Foot of which is waſh'd by the River *Pelena* now call'd *Squillace*. It was named *Vivarieſis*, becauſe *Caſſiodore*, while he enjoy'd the higheſt Honours at the Court of the *Gothiſh* Kings, uſed to go often for his Recreation to *Squillace*, the Place of his Nativity, and on account of the Conveniency, and the Abundance of the Water of that River which waſh'd the Foot of the Hill, he caus'd many Ponds to be made [9]. Having afterwards, by reaſon of the declining State of the *Goths*, abandon'd the Court, and become Monk, he retir'd to this Place where he had made his Ponds, and where likewiſe his Eſtate was, and built this Monaſtery, where he compos'd the greateſt Part of his Works, and in which he had for a Companion *Dionyſius Exiguus* [10]. He enrich'd it with his Eſtate and a Library, and made it famous and numerous in Monks; cauſing many Cells to be built on the Top of the Hill, for thoſe who were willing to leave the Monaſtick Life and become Hermits, and from *Cœnobitæ*, to become *Anchoritæ* and *Solitarii* [1]. Before he died, he left *Calcedonius* and *Gerontius* Abbots, the one to govern the Hermits, who were retir'd to the Top of the Hill *Caſtelleſe*, the other the *Cœnobitæ* of the *Vivarieſian* Monaſtery. *P. Garetius* [2] alſo relates, that after he died, the *Benedictine* Monks kept it many Years; but afterwards the *Baſilians* intruded themſelves into their Place, who poſſeſſed it a long time, until it was intirely deſtroy'd and ruin'd by the ſubſequent Irruptions of the *Saracens*. Thus not only in the neighbouring *Samnium* and in *Puglia*, were Monaſteries of this Order begun to be built in theſe Days, but likewiſe in the Provinces more remote and diſtant.

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[1] Ab. de Nuce in Not. ad Vit. S. Bened.

[2] V. Camil. Peregrin. in ſerie Ab. Caſ. in princ.

[3] Leo Oſt. in Chron. lib. 1. c. 1.

[4] Ab. de Nuc. ad Chr. Caſſ. loco cit.

[5] P. Garet. in Diſſer. de Vita Monaſt. Caſſ.

[6] Du Pin,

[7] Bacon. Hiſt. Vitæ & Mortis, pag. 534.

[8] P. Garet. in Vita Caſſiod. par. 2. §. 6, 7, 8, 9, 10, 11, 12.

[9] Caſſ. lib. 12. var. ep. 15.

[10] Caſſ. lib. Divin. Lect. cap. 29. S. Greg. ad Jo. Epiſc. Scyllaceum, ep. 33. lib. 7. Regiſt. Indict. 11.

St. BENEDICT in the laſt Year of his Life, ſent *Placidus* his Diſciple to found Monaſteries of his Order in *Sicily*, where, by the Donations of *Tertullus*, and the Devotion of theſe People, it was propagated over the whole Iſland. At the ſame time he ſent other Miſſions into *France*, where St. *Maurus*, *Fauſtus*, and their Companions made wonderful Progreſs. According to *Leo* of *Oſtia*, and others, St. *Benedict* died in the Year 543, or according to ſome others, in the Year 547, the preciſe Day and Year in which he died not being in any of the Writers made clear, about which the Abbot of *Nuce* [3] has toiled and fatigued himſelf ſo much, as if it was a very important Point of Hiſtory; but the Proſperity of his Order was rather greater after his Death: Foraſmuch as the Monaſteries multiplied much more, and ſpread themſelves not only in *Italy*, *Sicily*, and *France*, but likewiſe in *England*, and other more remote Provinces of *Europe*.

THUS theſe our two Provinces of *Campania* and *Samnium* had a much greater Number of Monaſteries of this Order, than the other two, becauſe of their greater Diſtance; but on the contrary, thoſe founded under the Rule of St. *Baſil* were more numerous in *Puglia* and *Calabria*. In *Brutium* and *Lucania*, and the Maritime Cities of *Campania*, ſuch as *Naples*, *Gaeta*, *Amalphis*, and ſome others, which for the moſt part continued a long time under the Emperors of the Eaſt, as being near to the *Greeks*, and with whom they had much more frequent Commerce, thoſe Inſtitutions were embraced more readily, and the Rule of St. *Baſil* was ſo very famous and renown'd in the Eaſt, that all, or the moſt Part of the Monaſteries which were founded there, were eſtabliſh'd under that Order. In *Naples*, St. *Agnellus* was the firſt, for what we know, who eſtabliſh'd a Monaſtery there, firſt begun by St. *Gaudioſus*, who was Abbot of it. Some believ'd [4] that St. *Agnellus* follow'd the Rule of St. *Benedict*; but *P. Caracciolus* [5] proves very clearly, that he was a *Baſilian* Monk, who, finding that St. *Gaudioſus*, when he retir'd to *Naples*, where he died in the Year 453, before St. *Benedict* was born, had erected a Monaſtery there, eſtabliſh'd the Rule of St. *Baſil*; an Order which in thoſe Times was become very famous and renown'd. Neither was it ſubject to the Rule of St. *Benedict*, till after the Year 590, when *Agnellus* was dead; then the *Benedictines* began to be in greater Eſteem, and made themſelves more renown'd. A long time after, in an Age leſs diſtant from us, about the Year 1517, it was poſſeſs'd by the Canons Regular of the Congregation of our Saviour [6], who remain in it to this Day. And ſo in the Sixth Century, as alſo in the following, many of theſe Monaſteries were ſeen in *Naples* under the Rule of St. *Baſil*; ſuch as the Monaſtery of *Gazares* on the Sea-ſhore; of SS. *Nicander* and *Martian*; of St. *Sebaſtian*, of SS. *Baſil* and *Anaſtaſius* in the Ward of *Amelia*; of St. *Demetrius* in the Ward of *Albina*; of St. *Spirito*, or *Spirido*; of St. *Gregory Armenus* in the Ward of *Noſtriana*; of St. *Mary* of *Agno*; of St. *Samona*; of SS. *Quiricus* and *Julitta*, and others, both in *Naples* and elſewhere [7].

THUS were Monaſteries introduc'd into theſe our Provinces. The firſt that appear'd were under the Rules of St. *Baſil* and St. *Benedict*, whence it was (the Societies of Women being already begun, who made a Vow of Virginity, and after a certain time receiv'd the Veil with Solemnity) that there were likewiſe ſeen Monaſteries of Women under the Rule of St. *Benedict*, who had for their Head

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[1] Caſſ. lib. Divin. Lect. cap. 32.

[2] Garet. loc. cit. §. 12.

[3] Ab. de Nuce pag. 92.

[4] Bzov. in Hiſt. Trithem.

[5] Carac. Monum. Sacr. Neap. de S. Agnello Abbate. Ughel. de Epiſcop. Neap. tom. 6. pag. 75.

[6] Ugh. loc. cit. pag. 80.

[7] P. Carac. loc. cit. Ughel. loc. cit.

Scholaſtica

Scolaſtica his Siſter; and alſo under that of *Baſil*, which are the moſt ancient that are found in theſe our Provinces. Thus was the Monaſtick Order eſtabliſh'd with us, which however had not made that wonderful Progreſs which it did afterwards. Neither had the Abbots and Monks as yet been withdrawn from the Juriſdiction of the Biſhops, nor had the Popes granted them ſo many Privileges, which they afterwards did, in order to have them at their Devotion, and to be their Vaſſals. Nevertheleſs *Monte Caſino* became one of the two moſt famous Sanctuaries, which our Provinces had in this Age, whither Pilgrims flock'd from all Parts of the World. At the ſame time another was ſprung up in *Puglia* in *Monte Gargano*, on Account of St. *Michael*'s having appear'd, as 'tis ſaid, in that Grotto in the Time of Pope *Gelaſius*, while *Laurentius* was Biſhop of *Sipontum*. Sanctuaries, which in the Reign of the *Longobards* and *Normans*, became ſo conſpicuous and renown'd, that by their wonderful Fame they drew to them not only Pilgrims from the remoteſt Parts of the World, but likewiſe the greateſt Kings and Monarchs of *Europe*, and the moſt mighty Princes of the Earth.

SECT. V.

Eccleſiaſtical Statutes *and new* Collections.

THE Eccleſiaſtical Statutes in theſe Times, as well concerning Doctrine as Diſcipline, were very ample and numerous. As there were many Occaſions for calling many Synods and Councils, ſo conſequently very many Canons were eſtabliſh'd. They began likewiſe to eſtabliſh ſome of thoſe which belong'd to the Authority of Princes. The Degrees of Kindred, which were formerly regulated according to the Civil Law, were now regulated by the Canons; and the Prohibition of Marriage was extended to Couſins, and the Children of Couſins. *Theodoſius the Great* had formerly forbidden Marriage betwixt Couſins, which *Arcadius* and *Honorius* his Sons confirm'd, as St. *Ambroſe* declares [1]: *Juſtinian* afterwards allow'd it [2]; whence *Tribonianus* being to inſert this Law of *Theodoſius* [3] in his Code, mangled it indiſcreetly, that it might not claſh with what *Juſtinian* had alter'd in it [4]. The Canons now forbid it, not only betwixt Couſins, as *Theodoſius* had done, but likewiſe betwixt their Children; and introduced a new Method of reckoning the Degrees, which *Cujacius* [5] thinks not to be older than St. *Gregory the Great* and Pope *Zachary*. There were as yet no Regulations made about the Goods of the Church, but they being at this Time increas'd, and ſquander'd away by the Eccleſiaſticks, they began to make Canons to prevent the Waſting and Alienation of them. It belong'd to the Prince to forbid ſervile Works on the Lord's-day, and the Emperors practis'd it, as may be ſeen by the Laws of *Leo* and *Antemius* [6]; but now we ſee Canons made likewiſe concerning that. It belong'd to the Emperors to declare Churches to be Sanctuaries [7], concerning which we read many Conſtitutions in the *Theodoſian* Code; but now this Right is alſo determin'd by the Canons. There were moreover many Conſtitutions made concerning Uſury and Divorces, and other Matters, the Care and Regulating of which belong'd to, and was in the Power of the Princes: Whence it is, that their Number has grown immenſe; which occaſion'd other Codes, and new Compilations.

WE have ſeen in the foregoing Book, that before the Reign of *Valentinian* III. neither the Weſtern nor the Eaſtern Churches knew any other Statutes, but thoſe which were collected in *the Code of the Canons of the Univerſal Church*, compiled by *Stephen* Biſhop of *Epheſus*. But afterwards, in the firſt Year of the Empire of *Juſtinian* 527, the *Collection of Dionyſius Exiguus* appear'd. This was a *Scythian* Monk who lived in *Rome*, and was the firſt that introduc'd the Cuſtom of numbering the Years from the Birth of Chriſt our Lord, as we continue to do [1]; for formerly they computed, either after the ancient manner of *Rome* by the Conſuls; or from the firſt Eſtabliſhment of the *Greek* Princes, Succeſſors of *Alexander*; or from the Times of the Martyrs, who ſuffered Martyrdom under *Diocleſian*; and in *Spain*, from the *Æra* of the Emperor *Auguſtus*, which was Thirty-eight Years before the Birth of Chriſt. He was in great Eſteem with *Caſſiodore*, who courted him, for inſtructing his Monks of the *Vivarieſian* Monaſtery in Learning, and particularly Philoſophy [2]: He read Logick there with *Caſſiodore*, and remain'd many Years his Companion in that Magiſtery. The Encomiums which *Caſſiodore* gave him are to be read in his Works [3]. He inrich'd the *Latin* Church with many faithful Tranſlations of the Works of the *Greeks*; and at the Requeſt of *Stephen* Biſhop of *Salona* [4] in *Dalmatia*, he tranſlated the Collection of the *Greek* Canons very faithfully into *Latin*, which was more than could be ſaid of the ancient *Latin* Tranſlation made uſe of in the Weſt: To this he added all that was in the *Greek* Code, to wit, Fifty Apoſtolical Canons, thoſe of the Council of *Chalcedon*, *Sardica*, *Carthage*, and other *African* Councils.

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[1] S. Ambr. ep. 66. ad Paternum.

[2] §. duorum Inſtit. de Nuptiis.

[3] L. ſi quis, c. 5. C. de Inceſt. Nupt.

[4] L. in Celebrandis C. de Nuptiis.

[5] Cujac. tit. Decretal. de Conſang. & Affin.

[6] L. ult. C. de Feriis.

[7] V. P. Sarp. de Jur. Aſylor.

HE likewiſe added the Decretal Epiſtles of Pope *Syricius*, who died in the Year 398, (an Argument, that the Epiſtles formerly related of *Syricius* are Apocryphal). Thoſe are called Decretal Letters, which the Popes wrote upon their being conſulted by the Biſhops for deciding Points of Diſcipline, and which were put amongſt the Canons. So the *Greeks* put the three Letters of St. *Baſil* to *Amphilochus*, and ſome others of the moſt famous Biſhops of the greater Sees [5], amongſt the Canons. To theſe afterwards, after the Death of *Dionyſius*, were added the Decrees of *Gregory* II. contain'd in Seventeen Chapters, as has been obſerv'd by *Peter de Marca* Archbiſhop of *Paris* [6]: What is ſurprizing is, that tho' the *Greek* Code, which *Dionyſius* made uſe of, ends with the firſt *Conſtantinopolitan* Council, to which he annex'd the Canons of the Council of *Chalcedon*, (as *Dionyſius* himſelf affirms in the Preface to *Stephen* Biſhop of *Salona*) as he did the *African* Canons, and thoſe of *Sardica*; yet, tho' his Subject ſeem'd to require it, he makes not the leaſt mention of the *Epheſian* Council, or of its Canons made in the Year 431, tho' theſe Canons are in the *Greek* Code publiſh'd by *Juſtellus* in the Year 1610; ſo that their Opinion is confuted, who believ'd, that *Juſtinian* in his 131ſt *Novella* made in the Year 541, did confirm and give the Force of Laws to the Code of the Canons compil'd by *Dionyſius*; for *Juſtinian* in that *Novella* likewiſe confirms the Canons made in the *Epheſian* Council, where he ſays; *Sancimus vicem legum obtinere Sanctas Eccleſiaſticas Regulas, &c. in Epheſina prima, in qua Neſtorius eſt damnatus, &c.* *Doviat* [7] therefore ſays, That *Dionyſius* makes no mention of it, becauſe that Council made no Canons concerning Diſcipline, but only concerning the Execution of the Condemnation of *Neſtorius*, and his Adherents.

THIS Collection of *Dionyſius* had all Authority and Force in the Weſt and in theſe our Provinces [8]; and by Pope *Nicholas* I. [9] it is call'd, by way of Preeminency, *Codex Canonum*, and by the Canon Law *Corpus Canonum* [10]: And in ſubſequent Times it had ſo much Force, that in the Year 787, it being ſent in a Preſent by *Adrian* I. to *Charles the Great* [11], this Prince order'd the Biſhops of *France* to take care to ſee the Canons contain'd in it obſerv'd; and caus'd theſe Decrees to be inſerted in his *Capitularia* of *Aix la Chapelle*, which he order'd to be compos'd in the Year 789, as *Juſtellus* ſays [12].

ABOUT the ſame time, in the Year 547, *Fulgentius Ferrandus* Dean of *Carthage* made another Collection of Canons [13], but after a different manner, rather quoting than relating them, and under each Head he recapitulates the Canons of different Councils, of which *Gratian* in his Decree makes mention [14].

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[1] Doviat. Hiſt. du Droit Can. par. 1. c. 17.

[2] P. Garet. in Vita Caſ. par. 2. §. 20 & 21.

[3] Caſſ. lib. Divin. Lect. cap. 22.

[4] Caſſ. loc. cit. Doviat. Hiſt. Droit Can. par. 1. cap. 17.

[5] Fleury in Juſt. Jur. Can. in Princ.

[6] P. de Marca de Concord. lib. 3. cap. 3.

[7] Dov. loc. cit. n. 2. & par. 1. c. 7. n. 4.

[8] Caſſ. lib. Div. Lect. cap. 22.

[9] Can. 1. digeſt. 19.

[10] In inſcript. cap. 3. de Præbend.

[11] Sirmond. tom. 2. Conc. Gall. ad An. 787.

[12] V. Juſtel. in Præf. ad Cod. Eccleſ. Univ.

[13] Doviat. Hiſt. Droit Can. par. 1. cap. 22.

[14] Grat. Can. Sacrorum 34. diſt. 63.

CARDINAL *BARONIUS*[1] reckons, that about the ſame time the Collections of *Martin* of *Braga* and of *Creſconius* were made. Others believe[2], that that of *Martin's* was made about the Year 572, and that of *Creſconius's* about the Year 670. *Martin*, a *Hungarian* by Nation, and a *Benedictine* Monk, was Biſhop of *Braga* in *Portugal*. He made his Collection for the Uſe of the Churches of *Spain*, by tranſlating the *Greek* Synods, and adding other Canons of the *Latin* Councils, and eſpecially thoſe of the Council of *Toledo*; therefore that Collection was not made uſe of but in *Spain*, excepting for Illuſtration[3].

CRESCONIUS a Biſhop of *Africa* compoſed his Collection of Canons, of which we have a Compendium; the Title of which, according to a Manuſcript which *Baronius* relates, was this; *Concordia Canonum a Creſconio Africano Epiſcopo digeſta ſub capitibus trecentis:* And becauſe he likewiſe makes mention there of a Poem in Hexameter Verſe, compoſed by *Creſconius* himſelf for celebrating the Wars, and the Victories gain'd by *Joannes Patricius* over the *Saracens* of *Africa*, *Baronius* concludes, that he liv'd about the Time of *Juſtinian* the Emperor.

JOANNES SCHOLASTICUS, after *Eutichius* had been baniſh'd, was advanced to the Patriarchate of *Conſtantinople* by the Emperor *Juſtinian*[4], and ſurviv'd him, and was the firſt who made a Collection in the Eaſt, wherein he join'd the Canons with the Laws, eſpecially the *Novellæ* of *Juſtinian*, which kind of Book was afterwards, by the ſubſequent Writers, call'd *Nomocanon*; and tho' this Collection divided into fifty Titles, was of ſome uſe at firſt, nevertheleſs *Theodore Balſamon* in his Supplement obſerves, that in his time, to wit, about the End of the twelfth Century, it was in no Eſteem, as having been eclips'd by the *Nomocanon* of *Photius*, which was more uſeful, and more full[5].

THESE were the Collections of Canons, which, after the Code of the Canons of the Univerſal Church, appear'd in the ſubſequent Times, down to the Empire of *Juſtin*, Succeſſor of *Juſtinian*[6]; they had not the Force of Laws, but when it was given them by the Emperors and Princes. The Church had not as yet acquir'd compleat Juriſdiction, ſo as to make her Statutes have the Authority of Laws, and thereby oblige the Faithful to obſerve them by Secular Force, or to puniſh the Tranſgreſſors with Temporal Penalties; their Souls were only bound by the meer Dint of Religion, and the Pains and Puniſhments only Spiritual by Cenſures, Penitence, and Depoſition. The Princes, by the Means of their Conſtitutions, gave them the Force of Laws, by obliging their Subjects to the Obſervance of them by Temporal Force, as the *Novellæ* of *Juſtinian* in the Eaſt, the Collection of *Joannes Scholaſticus*, the *Nomocanones* of *Photius*, and *Balſamo* teſtify; in *France* the *Capitularia* of *Charles the Great*; in *Spain* the Laws of thoſe Kings, by which, the Canons eſtabliſh'd in the Councils held in *Toledo*, or elſewhere, gave them all Force and Authority; and in *Italy*, the ſo many Edicts of *Theodorick* and *Athalarick*, which we read in *Caſſiodore*.

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[1] Baron. ad Ann. 527. num. 76.

[2] Doviat. loc. cit. num. 2 & 3.

[3] V. Ant. Auguſtin. par. 2. epitom. Juris Pontific. cap. 25. & in Graſ. Dialog. 10, 11, & 12.

[4] V. Nic. Aleman. ad Hiſt. Arcan. Procop. Juſtel. loc. cit.

[5] V. Franc. Florent. de Orig. Jur. Can. par. 3. §. 3. Juſtel. loc. cit. P. de Marca de Conc. lib. 3. cap. 3. §. 8.

[6] V. Fleury in Inſtit. Jur. Can.

SECT. VI.

Of the Cognizance of CAUSES.

THE Eccleſiaſtical State, during the Dominion of the *Goths* in theſe our Provinces, acquired no greater Power of Cognizance, or of trying of Cauſes in Judgment, than what it had in the preceding Centuries under the Succeſſors of *Conſtantine* down to the Empire of *Valentinian* III. It was ſtill confin'd to the Cognizance of Matters of Faith and Religion, of which it judg'd in Form of

Polity; to the Correction of Manners, of which it cognoſced by way of Cenſure; and to Differences that aroſe amongſt Chriſtians, which it decided by way of Arbitration and friendly Compoſition: It had not as yet acquir'd compleat Juriſdiction; neither had it a Court of Juſtice, nor Territory; neither were its Judges become Magiſtrates. *Theodorick*, and the other Kings his Succeſſors, kept it within its Bounds, nor did its Cognizance exceed the Limits of its Spiritual Power, excepting in thoſe three Emergencies already related; in all other Things, the Eccleſiaſticks obſerv'd the Civil Laws, and, as Members of the Civil Society, obey'd the Secular Magiſtrate, as all others did, as well in Criminal as Civil Caſes, by whom they were judg'd and puniſh'd. The Accuſations were reported to the Prince, that he might either judge them, or appoint others to hear the Cauſe, and they were often baniſh'd for their Faults, or depos'd from their Charges. We have ſeen how the People of *Rome* carried the Accuſations which they had invented againſt *Symmachus* to *Ravenna* to King *Theodorick*, that he might take Cognizance of them, demanding a Viſitor from him, which he gave them, in order to try him; the Biſhops of *Italy* did the ſame againſt *Damaſus*, having had their recourſe unto the Emperors *Gratian* and *Valentinian*, intreating them to judge that Pope whom they had accus'd. 'Twas no ſtrange thing in theſe Times, for Kings to ſend the Biſhops, as their Subjects, and the Pope himſelf, to ſundry Parts, as Buſineſs requir'd, and to call them at their Pleaſure, and they were always ready and moſt obedient. Pope *John* I. was ſent by King *Theodorick* to *Conſtantinople*, for obtaining from the Emperor *Juſtin* I. the Revocation of one of his Edicts, whereby he had ordain'd, That the Churches of the *Arians* ſhould be given to the Catholicks: And this Embaſſy not having had that Succeſs which *Theodorick* expected, he imputed it to the Want of Fidelity in Pope *John*, and his Ill-conduct; ſo that as he was returning through *Italy*, he caus'd him to be arreſted in *Ravenna*, where he died the 27th Day of *March* in the Year 526: And *Theodatus* ſent Pope *Agapitus* to *Conſtantinople* for treating with *Juſtinian* about the Peace which he ſo much long'd for.

KING *ATHALARICK* ordain'd by his Edict drawn up by *Caſſiodore* [1], that thoſe, who by Simony and Ambition had been elected, ſhould be accus'd before his Judges, and ſeverely puniſh'd, and appointed Rewards for the Accuſers, by giving them the third Part of what they ſhould be condemned in, and the reſt to be employ'd upon the Fabricks of the Churches, and the Maintenance of their Miniſters.

AS for their Civil Cauſes, the ſame Juriſdiction was continued to the Secular Magiſtrates as they had formerly; they behov'd to lay their Caſe before them, propoſe their Actions, and, being ſummoned, give Bail *Judicio Siſti*. Only King *Athalarick* favour'd the Church of *Rome* in that, by approving of a Cuſtom which had been introduc'd among her Clergy, of her Prieſts being firſt to be brought or accus'd before their Biſhop. The Secular Magiſtrates, which had been appointed in *Rome* by that Prince for the Adminiſtration of Juſtice, and which was practiſed in all the other Provinces, forced a Deacon of that Church, at the Suit of his Creditor, to ſatisfy a Debt; and were ſo hard upon him, that they deliver'd him up to the Creditor himſelf to keep him in Cuſtody. Another Prieſt of that ſame Church being accuſed on a ſlight Occaſion, they us'd him very ſeverely, and handled him very roughly. The Clergy of *Rome*, with mournful Lamentations and Prayers, had recourſe to *Athalarick*, ſetting forth to him, that in their Church, by a long Cuſtom, to the end their Prieſts by being involv'd in Law-Suits, and the Affairs of the World, might not be diverted from Divine Worſhip, it had been uſual to cite them before their Biſhop; notwithſtanding which, one of their Prieſts and a Deacon had been roughly and reproachfully uſed; therefore they intreated the Clemency of that Prince to put a Stop to ſuch Proceedings for the future. The King, at their Entreaty, anſwer'd, That out of the Reverence and Honour which was due to that Apoſtolical See [2], from that time forward he ordain'd, That if any Perſon had occaſion to ſummon any Prieſt of the Clergy of *Rome*, on whatſoever Account it might be, he was firſt to have recourſe to the Judgment of the Biſhop of that See, who, either himſelf was to enquire more *Suæ*

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[1] Caſſ. lib. 9. cap. 15.

[2] Caſſ. lib. 8. cap. 24. Conſiderantes Apoſtolicæ ſedis honorem.

Sanctitatis into the Merits of the Cauſe, or to delegate it, *æquitatis Studio terminandum*; but if the Plaintiff or Accuſer, after uſing that Reſpect, ſhould find himſelf amuſed and delay'd, *tunc ad Sæcularia fora jurgaturus occurrat*: If contrary to this his Ordinance, he firſt had recourſe to the Secular Tribunals, he ſhould be oblig'd to pay a Fine of Ten Pounds of Gold, which was to be immediately receiv'd by his Treaſurers, and by the Hands of the Biſhop diſtributed amongſt the Poor, and beſides to loſe his Cauſe, and thus be doubly puniſh'd. But at the ſame time, *Athalarick* did not neglect to admoniſh them to live ſuitably to their State, telling them; *Magnum ſcelus eſt crimen admittere, quos nec converſationem decet habere ſæcularem; profeſſio veſtra vita cæleſtis eſt. Nolite ad mortalium vota humilia, & errores deſcendere. Mundani coarceantur humano jure, vos ſanctis moribus obedite.*

WE ſee then that in theſe Times, in all the other Churches, the Secular Magiſtrates had the Cognizance and Juriſdiction of the Cauſes of Eccleſiaſticks as well Civil as Criminal, and that they were ſubject to their Judgment and Fines; and tho' *Athalarick* gave this Indulgence to the Clergy of *Rome* only, out of reſpect to that See, yet nevertheleſs he gave no manner of Juriſdiction to the Biſhop or his Delegates; but only, that they were to determine them *more ſuæ Sanctitatis, & æquitatis Studio*, by way of Arbitration and charitable Compoſition, not by way of Judgment and litigious Juſtice.

JUSTINIAN then was the firſt who began to enlarge the Cognizance of the Biſhops in Eccleſiaſtical Cauſes, and granted them the Privilege of not pleading before Laick Judges. As this Prince was both Pious and Religious, ſo he enlarg'd the Cognizance of the Biſhops, ordaining, by his *Novellæ* [1], That in Civil Actions the Monks and Clerks ſhould be firſt conven'd before the Biſhop who was to decide their Differences immediately without Proceſs, without any Noiſe, or judicial Diſpute; upon condition however, that if one of the Parties ſhould declare within ten Days that he would not acquieſce to his Sentence, the ordinary Magiſtrate ſhould take Cognizance of the Cauſe, not by Way of Appeal, as ſome have believ'd, and as ſuperior to the Biſhop in that, but begin anew; and if he gave the ſame Judgment with the Biſhop, there was no Appeal from him; but if otherwiſe, there was room for Appealing. And as for Criminal Cauſes, it was allow'd to purſue the Clergy either before the Biſhop or the ordinary Judge, except in Eccleſiaſtical Crimes, ſuch as Hereſy, Simony, Diſobedience to the Biſhop, and all other Things concerning their Quality, the Cognizance of which belong'd to the Biſhop only; as did alſo the Differences concerning Religion and Eccleſiaſtical Polity even againſt Laicks. Moreover he ordain'd, That if in Criminal Cauſes any of the Clergy ſhould be condemn'd by the Laick Judge, his Sentence could not be put in Execution, nor a Prieſt degraded, without the Approbation of the Biſhop; and if he refus'd, Application was made to the Emperor. And as for the Biſhops, he granted them this Privilege, of not being oblig'd to plead before the Laick Magiſtrates, which Privilege he likewiſe allow'd the Nuns by his *Novella* 79, which Interpreters have wrongfully extended to the Monks. And that Regulation of *Juſtinian* contain'd in his 123d *Novellæ* is almoſt intirely repeated in the Conſtitutions of the Emperor *Conſtantine* III. Son of *Heraclius*, and of *Alexius Comnenus*, related by *Balſamon* in the Sixth Title of his *Nomocanon*. Thus, by the Privilege of the Prince, the Cognizance of the Biſhops began to be enlarg'd; nevertheleſs, they did not at this Time acquire compleat Juſtice, which the Law calls Juriſdiction, over the Prieſts, they not having in thoſe Days *Jus Terrendi*, nor any coercive Power; therefore they could not, by their own Authority, impriſon Eccleſiaſtical Perſons, neither had they any Priſons: They could not inflict Corporal Puniſhments, Baniſhment, and much leſs Mutilation of Members or Death, even for the greateſt Crimes; nor condemn in Pecuniary Mulcts.

THE Puniſhments which they inflicted were Depoſitions, Suſpenſion of Orders, Faſtings, and Penance; which Form of Diſcipline continu'd throughout all the Eighth Century; which *Gregory* II. excellently well obſerves in that fine Epiſtle which he directed to *Leo Iſauricus* [2], wherein he ſhews the great Difference there was betwixt the Imperial Puniſhments and thoſe of the Church: The Emperors condemn'd to Death, Impriſon'd, and Baniſh'd the Guilty, and confin'd them to a certain Place; none of which the Popes could do: *Sed ubi*, as his Words are, *peccarit quis, & confeſſus fuerit, ſuſpendii, vel amputationis capitis loco, Evangelium, & Crucem ejus cervicibus circumponunt, eumque tanquam in carcerem, in Secretaria, Sacrorumque vaſorum æraria conjiciunt, in Eccleſiæ Diaconia, & in Catecumena obligant, ac viſceribus eorum jejunium, oculiſque vigilias, & laudationem ori ejus indicunt. Cumque probe caſtigarint, probeque fame afflixerint, tum pretioſum illi Domini Corpus impartiunt, & Sancto illum ſanguine potant: & cum illum vas Electionis reſtituerint, ac immunem peccati, ſic ad Deum, purum inſontemque tranſmittunt. Vides, Imperator, Eccleſiarum, Imperiorumque diſcrimen, &c.*

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[1] Novel. 83 & 123.

[2] Greg. II. epiſt. 13. ad Leon. Iſaur. Richer. in Apol. Jo. Gerſon. par. 3. ax. 36.

HOWEVER the Eccleſiaſticks had begun in theſe Times, to uſurp the Power of burning the Books of Hereticks, becauſe in the Year 443. St. *Leo* the Pope burnt many Books of the *Manichei* in *Rome*, whereas at firſt Cenſure belong'd only to the Church, but Prohibition and Burning to the Prince[1], concerning which we ſhall have occaſion to diſcourſe more at large.

[1] Feuret. lib. 1. cap. 2. num. 7.

SECT. VII.

Of TEMPORALITIES.

THE Cognizance of Cauſes did not keep pace with the Increaſe of the Temporalities in our Churches; the laſt out-ſtripp'd the firſt very much. The Princes did not much mind the Acquiſitions which were daily made; they not only neglected to put a Stop to their exceſſive Growth, as *Theodoſius the Great* and his Succeſſors did, but they even contributed to them by Donations and Privileges[1]; whereas formerly, Purchaſes were made by the Churches only: but now that the Monaſteries began to be founded in theſe our Provinces, they had likewiſe their Share, and the Monaſteries of St. *Benedict*, from their firſt Inſtitution, gave many good Preſages of their future Riches.

BESIDES new Sources were diſcover'd, from whence ſprung greater Riches. In theſe Times Sanctuaries had their Beginning; and the Veneration for the Relicts of the Saints began to be much greater than it had formerly been. The many Miracles which were publiſh'd; the Apparitions of Angels; the particular Devotions to Saints; and the Exhortations of Monks, drew the People, out of Devotion, to offer abundance of Riches to their Monaſteries. The giving or leaving by Will to the Churches, was, in theſe Times, look'd upon as a moſt powerful Means for obtaining the Remiſſion of Sins. *Salvianus*[2], who flouriſh'd in the Reign of *Anaſtaſius*, exhorted many godly People to relieve their Souls, *ultima rerum ſuarum oblatione*: Whence it is that we often read in the Donations made to Churches this Clauſe; *Pro Redemptione animarum, &c.*

THERE was likewiſe a new Fund much more ſtable than the former, from which they drew good Profits. Tythes, which in the three firſt Centuries were free and voluntary: In the fourth and fifth, by reaſon of the Lukewarmneſs of the Faithful in giving them, were recommended by the Preachings and Exhortations of the Prieſts, to the end that they might not be left off: In this ſixth Century they became due and neceſſary. Seeing at this time Preachings and Exhortations did not avail, it was neceſſary to have recourſe to more powerful and vigorous Aſſiſtance; ſo they began to think of eſtabliſhing them by the Way of Precepts and Canons. Thus by many Councils of the Weſt, and many Decretals of the Popes, the Uſe of paying them became a Law. By theſe and other Means, the Riches of the Churches began to increaſe and be very conſiderable, and they were in Poſſeſſion of particular Inheritances. The Church of *Rome*, above all the reſt, became the richeſt, and in ſuch a degree, that *Paulus Warnefridus*[1] relates, when *Traſimondus* King of the *Vandals* in *Africa* had baniſh'd 220 Biſhops, *Symmachus*, who was then Biſhop of *Rome*, caus'd them all to be furniſh'd with every Thing neceſſary for their Suſtenance. They not only contriv'd ways for acquiring of Riches, but likewiſe means by which to preſerve them; for with Riches were join'd Looſeneſs of Diſcipline and Manners: The Eccleſiaſticks appropriated them to themſelves as their own Goods, whereas formerly they were look'd upon only as the Patrimony of the Poor, conſequently they were ill employ'd and worſe diſtributed; whence it was that many Councils (although before this Time there had not any Regulation been made concerning this Matter) were mov'd to eſtabliſh a great many Canons, diſcharging Alienations, regulating the Method of diſtributing them, and eſpecially for taking care to preſerve and ſecure them. However 'tis likewiſe true, that the Princes notwithſtanding that, did not fail to make Laws concerning the Goods of the Church, by regulating the Acquiſitions, and ſometimes alſo the Manner of diſtributing them, and by diſcharging their being put to wrong Uſes; and *Juſtinian* aſſures us, that by his own Prerogative he eſtabliſh'd many Laws concerning them[2].

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[1] Caſ. lib. 12. cap. 13.

[2] Salvian. lib. 2. & ſeq. adver. avarit. Ant. Matth. manud. ad Jus Can. lib. 2. tit. 1.

THE Diviſion of the Fruits of theſe Goods into four Parts; one to the Adminiſtrator or Incumbent, the ſecond to the Church, the third to the Poor, and the fourth to the Clergy; which is attributed to Pope *Simplicius*, who was choſen in the Year 468, was not always fix'd, nor the ſame over all the Provinces of the Weſt. In *France*, in the firſt Council of *Orleans*[3] aſſembled in the Year 511, the one half was aſſign'd to the Biſhop, and the other to the Clergy. In *Spain*, from the firſt Council of *Braga*[4] held in the Year 563, the Diviſion of the Oblations was reſerv'd for the Clergy all in common. But afterwards in the fourth Council of *Toledo* conven'd under King *Siſenandus* in the Year 633, it was ordain'd, that the Biſhops ſhould have the third Part of the Rents[5]. Thus, as *Gratian*[6] very much to the purpoſe obſerves, according to the Diverſity of Places, and the Cuſtoms of Countries, in ſome a third, and in others a fourth Part was reſerv'd for the Biſhop; ſuch Diviſions were not always unalterable and perpetual.

HOW great ſoever the Increaſe of the Temporalities of our Churches and Monaſteries were in this ſixth Century, nevertheleſs, in reſpect of the immenſe and exceſſive Acquiſitions, which were afterwards in the Times of the *Longobards* and *Normans*, it was tolerable; no great Alteration happen'd to the Civil State on account of it: We ſhall ſee it greater under the *Longobards*, of whoſe Kingdom we are now going to treat.

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[1] Fr. de Roye Inſtit. Canon. lib. 2. de decim.

[2] P. de Marca de Concor. Sacr. & Imp. lib. 2. cap. 11. num. 3.

[3] Ibid. cap. 16.

[4] Ibid. cap. 21.

[5] Can. Conſtitutum 62. cauſ. 16. qu. 1.

[6] Grat. poſt Can. poſſeſſiones ead. cauſ. & qu.

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THE

CIVIL HISTORY

Of the KINGDOM of

NAPLES.

BOOK IV.

THE *Longobards* acknowledge their Origin from none other but the *Goths*, and the *Peninſula* of *Scandinavia* was the common Mother of both: A Country, which by *Jornandes* was rightly call'd *Vagina gentium*, and which juſtly may boaſt of having produc'd all thoſe Princes, who for a long time were Lords and Maſters of *Spain*, of a good part of the *Galliæ*, and eſpecially of *Italy*, which, tho' recover'd from the *Goths*, yet ſoon fell under the Dominion of the *Longobards*; and theſe having afterwards fail'd, under that of the *Normaus*, who likewiſe boaſt of the ſame Origin[1]. The *Gepidæ* deſcended of the Stock of the *Goths*, and who came out of the ſame *Peninſula*, together with the *Goths*, ſtopp'd at the *Viſtula*[2]: From thence, after having overcome the *Burgundians*, they advanc'd, as *Procopius* relates, to both the Banks of the *Danube*; from whence, as *Vopiſcus* writes, they infeſted the *Romans* by the many Incurſions and Robberies which they committed in that Country. Laſtly, while the Emperor *Martian* reign'd in the Eaſt, having driven the *Hums* out of *Pannonia*, they fix'd their Reſidence there. Moreover, grave Writers affirm it for certain, that the *Gepidæ* having fallen out amongſt themſelves, the *Longobards* ſprung from this Diviſion; whence *Salmaſius* [1] declares, that he had read in ſome ancient *Greek* Books, not as yet printed, that the *Gepidæ* were call'd *Longobards*: *Gepidæ qui dicuntur Longobardi*; and *Conſtantinus Porphyrogenitus*, Emperor of *Conſtantinople*, from the Hiſtory of *Theophanes* (who is honoured by the *Greeks* as a Saint) likewiſe writes that the *Longobards* ſprung from the Diviſion of the *Gepidæ* [2].

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[1] Jornandes Hiſt. Got.

[2] Grot. in Proleg. ad Hiſt. Got.

PROSPER AQUITANIUS Biſhop of *Rhegium*, who wrote before *Paul Warnefride* Deacon of *Aquileja*, is the firſt that mentions the *Longobards*, whom he brings from *Scandinavia* to the Banks of the Ocean, in queſt of new Habitations, firſt under *Ibo* and *Ajo* their Captains, they overcame the *Vandals*, and were call'd *Winili*, that is to ſay, Wanderers, becauſe at this Time they had no fix'd Reſidence; but afterwards having elected *Agilmondus* for their King, and over-run diverſe Countries, at laſt they ſettled themſelves in *Pannonia*. After *Agilmondus* they had for their Kings ſucceſſively, *Lamiſcus*, *Leta*, *Ildeock*, *Gudeock*, *Claſſus*, *Tatus* [3], and after theſe *Waltau*; of which Prince none other make mention, as having reign'd but a ſhort time, and in continual Wars. Afterwards *Wacus* and *Audoinus* ſucceeded, and laſtly *Alboinus*; who having made a ſettled and ſtrict Peace and Friendſhip with *Narſes*, was reſerv'd for the future Conqueſt of *Italy*.

HOW this People took the Name of *Longobards*, we need no other Voucher than *Paul Warnefride* [4], who writes, that theſe *Winili* were call'd *Longobards* from the Length of their Beards, which they kept very carefully from being touch'd with Iron; becauſe in their Language, *Lang* ſignifies *Long*, and *Baert*, *Beard*: In which *Conſtantinus Porphyrogenitus* [5], *Otho Friſingenſis* [6], *Gunterus* [7], and *Grotius* agree.

I KNOW that ſome modern Writers, not contented with what ſo ancient and grave Authors have reported, have gone to other Countries to find out the Origin of this People, and have derived the Name of *Longobards*, not from the Length of their Beards, but as the Abbot *de Nuce* [8] believ'd, from that of their Halbards, and others from ſomething elſe.

SOME have deny'd that they came out of *Scandinavia*, but from the inner Parts of *Germany*; they ſay, that long before the Time mention'd of their coming out of that *Peninſula*, *Strabo*, *Tacitus*, *Ptolemeus*, and *Paterculus* [9], make mention of the *Longobards*, as a People who liv'd in the Heart of *Germany*; therefore their Name being more ancient, we muſt not take it from their Beards, as *Paul Warnefride* has aſſerted, but it muſt be deriv'd from ſomething elſe. The Difficulty was eaſily ſolv'd by the incomparable *Hugo Grotius* [10]; for this Name ſignifies nothing elſe but Men with long Beards, as all the *Germans*, and *Warnefride* himſelf acknowledge: Now Names of this Kind which are deriv'd from different Habits and Aſpects, ariſe and ſpread themſelves, ſometimes among one People, ſometimes among another, in different Places, and likewiſe in moſt diſtant Times, according as the Novelty and Odneſs appear. Among the *Germans*, as *Tacitus* relates, it was a moſt common Cuſtom to let their Hair and Beards grow, and they never uſed to cut their Hair, but when they had overcome their Enemies; but when it happen'd, that a great Knot of Men appear'd in another Country, with a very new and ſtrange Aſpect, certainly the People of that Country gave them their Name from that new and ſtrange Aſpect which had aſtoniſh'd them; therefore 'tis no wonder, if that Novelty, ſometimes in one Place, ſometimes in another, was the Occaſion of new Names: Whence had *Domitius Enobarbus*, *Fredericus Barbaroſſa*, and ſome other famous Pyrates of that Name their Denominations? The Name was common to them only, from the Similitude of their Aſpects. 'Tis reaſonable then, that in ſuch Matters we ſhould give Credit to ancient Writers, and eſpecially to *Paul Warnefride* in what concerns the *Longobards*, who though he was born in *Italy*, was originally a *Longobard*, and he is the only and proper Writer of their Actions. Wherein this Writer fails, we may have recourſe to *Erchempetus*, and after him to other contemporary Writers, of which there are many [1]; ſo that *Grotius* adviſes us to believe the Ancients, when theſe new Writers produce nothing that's more credible or certain; and to hold with the firſt, that the *Vandals*, the *Oſtrogoths* and *Weſtrogoths*, the *Gepidæ* and *Longobards*, all of them owe their Origin to *Scandinavia*.

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[1] Salmaſ. apud Grot. loc. cit.

[2] Conſtant. Porphyr. de Admin. Imperio cap. 25. ex Hiſtoria S. Theophan. Et Gepides quidem, ex quibus poſtea Longobardi, atque Avares per Succeſſionem oriundi ſunt.

[3] Grot. in Proleg. ad Hiſt. Got.

[4] Paul Warn. lib. 1. cap. 9.

[5] Conſt. Porph. de Them. XI. Longobardi a promiſſa barba incolarum dicta eſt.

[6] Otho Friſing. lib 2. c. 13. degeſt. Frid. Imp.

[7] Gunther. lib. 2. Grot. loc. cit.

[8] Ab. de Nuce in notis ad Chronicon. Leon. Oſtiens, pag. 95.

[9] Tacit. l. 2. Annal. Vel. Paterc. l. 2. Hiſt.

[10] Grot. in Proleg. ad Hiſt. Got. p. 28.

BUT be that as it will, 'tis manifeſt to every Body, that the *Longobards* after having roam'd about in many Countries of *Europe*, at laſt fix'd themſelves in *Pannonia*, in which Province they rul'd Forty-two Years, and they reckon from *Agilmoldus* to *Alboinus*, ten Kings under whom they liv'd. In the Reign of *Alboinus*, *Narſes* having been ſent into *Italy* by *Juſtinian*, in order to drive out the *Goths*, who under *Totila* had regain'd that Province, and being long before in Confederacy with the *Longobards*, ſent Ambaſſadors to *Alboinus* to demand Aſſiſtance againſt the *Goths*. 'Twas then that *Alboinus* ſent a choice Band of Warriors, who aſſiſted the *Romans* againſt the *Goths* [2]. They went into *Italy* by the Gulf of the *Adriatick Sea*; and it was the firſt Time that this People had ſeen this beautiful Country, and in one Day they landed in theſe our Provinces, to wit, at *Samnium*, as we ſhall relate. In the mean time, having join'd the *Romans*, they engag'd with the *Goths*, and having ſucceſsfuly beaten them in that Battle wherein *Totila* was kill'd, loaded with many Preſents, and Victorious, they return'd to their own Habitations; and all the Time that the *Longobards* poſſeſſed *Pannonia*, they aſſiſted the *Romans* againſt their Enemies, and *Narſes* maintain'd and kept up a ſtrict and faithful Friendſhip with *Alboinus*; whence 'twas no difficult Matter to allure him (in order to revenge himſelf of the Affront done him by *Sophia* Wiſe of the Emperor *Juſtin*) to come to the Conqueſt of *Italy*; beſides he well knew the Riches of this Province, and the many other Advantages which it yielded. In the mean time this Prince reſolv'd, at the Invitation of *Narſes*, to go in Perſon at the Head of his Army, and having likewiſe ſollicited the Aſſiſtance of the *Saxons* for this Undertaking, he left *Pannonia* to the *Huns* (from whom this Province afterwards took the Name of *Hungary*) on Condition, that if by ſome croſs Accident, the Undertaking which he was going about ſhould not ſucceed, and that he ſhould be oblig'd to return, they were to reſtore him what he left them: He began his march with his *Longobards* and their Families, the *Saxons* and other People, and in the Month of *April* in the Year 568, while *Juſtin* the Emperor reign'd in the Eaſt, they enter'd *Italy* [3]. At this Time this Province was ſo deſtitute of all Aſſiſtance, and divided into ſo many Parties by the new Form which *Longinus* the Exarch of *Ravenna* had given it; that *Alboinus* was enabled at once to poſſeſs himſelf of *Aquileja*, and many of the Towns of the *Venetian* Province; and this ſame Year 568, he likewiſe took *Friuli* the chief City of this Province, where he remain'd during the Winter, and having reduc'd it to the Form of a Dukedom, he created *Giſulphus* his Nephew, Duke of it. Such was the Origin of the Title of the *Ducatus Forojulienſis*, which was the firſt that was made by the *Longobards* in the Province of *Venice*.

ALBOINUS having taken this Province from the *Greeks*, the next Year 569, he took Poſſeſſion of *Trivigi* and *Oderzo*; from thence, leaving *Padua* behind him, he took *Monte Selice*, *Mantua*, and *Cremona*; he ſurpriz'd *Vicenza*, *Verona*, and *Trent*, and other Towns of that Province; and as theſe Cities fell under his Power, beſides leaving a ſtrong Garriſon of *Longobards* in them, he created a Duke to govern each of them. Theſe Dukes at their Beginning, after the Manner of the Dukes of *France*, which *Paulus Emilius* [4] deſcribes to us, were nothing but ſimple Officers or Governors of Cities, and their Duration depended on the Pleaſure of the Prince who created them.

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[1] Theſe are the Anonymus Salernitanus, and other Collections by Camillus Pellegrinus, in Hiſt. Princ. Longob.

[2] Paul Warnefr. lib. 2. cap. 1.

[3] Hiſtoriola ignoti Monaci Caſſinen. apud Camil. Pel. Hiſtoria Princ. Longob. Paul Warn. lib. 2. cap. 12. Certum eſt autem, tunc Alboin. multos ſecum ex diverſis, quas vel alii Reges, vel ipſe cæperat gentibus ad Italiam adduxiſſe; unde uſque hodie eorum, in quibus habitant vicos Gepidos, Bulgaros, Sarmatas, Pannonios, Suevos, Noricos, ſive aliis hujuſmodi nominibus appellamus.

[4] Paul. Æmil. de reb. Francorum.

CHAP. I.

Of Alboinus I. *King of* Italy, *who fix'd his Royal Seat in* Pavia; *and of the other Kings his Succeſſors.*

ALBOINUS was no leſs ſucceſsful in his Conqueſts the following Year 570. in *Liguria*, having paſs'd the River *Adda*, he immediately took *Breſcia*, *Bergamo*, *Lodi*, *Como*, and all the other Caſtles of *Liguria*, as far as the *Alps*; from thence he prepared to take *Milan* the Head City of the Province, which after a ſhort Siege ſurrender'd to his Arms. As ſoon as he had ſubjected this City to his Dominion, the *Longobards* proclaim'd him King of *Italy*, and with joyful Acclamations ſaluted him as ſuch, by giving him a Launce, which at this Time was the Enſign of Royalty. The Rites and Ceremonies which were practiſ'd by this Nation in creating their Kings, were only the raiſing up the Elected upon a Shield in the Midſt of the Army [1], and with Acclamations, proclaiming and ſaluting him King, by giving him a Launce in his Hand, as a Token of the Royal Dignity. This was the Beginning of the Kingdom of the *Longobards* in *Italy*, under *Alboinus* I. King of *Italy*; but if we alſo reckon *Waltau*, who reign'd but a ſhort time, and whoſe Empire was much contraverted, among the Series of their Princes who reign'd in *Pannonia*, there were Eleven Kings of the *Longobards*. As 'tis of no Service to us to keep account of the Kings of *Pannonia*, we ſhall reckon *Alboinus* the firſt King of *Italy* in this Hiſtory, and according to this Order we ſhall name his other Succeſſors; and from the Month of *January* of this Year 570, we ſhall reckon the Beginning of his Reign, and of the *Longobards* in *Italy*, not from their coming in the Year 568, as others have done. The Abbot *Bachini* in his Diſſertations upon the Pontifical Book of *Agnellus Ravennate*, obſerves, that in order to ſhun all Confuſion, there ought to be two *Epochas* ſettled; the one taken from the Entry of the *Longobards* into *Italy*, in the Year 568. on the ſecond Day of *April*; the other from the Beginning of the Reign of *Alboinus* in *Italy*, which anſwers to the 29th of *December* in the Year 568: By theſe two *Epochas*, he ſhews us how *Baronius* was miſtaken, who makes *Alboinus* die in the Year 571, after having reign'd three Years and a half according to *Paulus Diaconus*, and defends the bright *Sigonius*, who was cenſured by *Camillus Pellegrinus* concerning this Particular, by exactly comparing the Computations of the one with the other, from the ſaid firſt Year of the Reign of the *Longobards*, to the Death of *Rotaris*, which fell out in 671, according to *Paulus Diaconus* and *Sigonius*, who agree wonderfully.

BUT be that as it will, it not being to our Purpoſe to enter into ſo nice an Examination of Time, *Alboinus* having ſubdued *Liguria* to his Dominion, with the ſame Succeſs extended his Power over the neighbouring Provinces. He beſieg'd *Pavia*, but by reaſon of the Difficulty of its Situation, could not take it, therefore he left a Part of his Army to continue the Siege, and with the reſt invaded *Emilia*, *Tuſcany*, and *Umbria*. He took many Citties of *Emilia*, *Tortona*, *Placentia*, *Parma*, *Briſſello*, *Reggio*, and *Modena*. *Tuſcany* being almoſt all in his Poſſeſſion, he march'd into *Umbria*, and took *Spoleto*, a City once as noble as ancient; which, tho' ruin'd by the *Goths*, nevertheleſs had been reſtor'd to its former State by *Narſes*, and not only preſerv'd by *Alboinus*, but likewiſe adorn'd with new Privileges, and made the Metropolis of *Umbria*, which he turn'd into the Form of a Dukedom, and ſubjected to *Spoleto*, of which he conſtituted *Faroaldus* firſt Duke [1], and from this Time forward the *Ducatus Spoletanus* began to be famous, and was conſpicuous above the reſt, therefore it was reckon'd amongſt the three famous Dukedoms of the *Longobards*; and thus *Alboinus* likewiſe appointed Dukes for governing the other Cities, as he had done in the Provinces of *Venice* and *Liguria*. But this Prince being diſingag'd from the Conqueſt of theſe Cities immediately return'd to the Siege of *Pavia*, and at laſt, after the third Year, reduc'd it to his Obedience; and though he was highly incens'd againſt the Citizens, becauſe of their obſtinate Reſiſtance, and deſign'd to have put them all to the Sword, nevertheleſs, being perſuaded to the contrary by the very *Longobards*, he ſpared them, and enter'd the City, and was proclaimed and ſaluted King by all. And there, as in a ſtrong and convenient City, did he fix his Royal Seat; whence afterwards it came to paſs, that during the Dominion of the *Longobards* in *Italy*, *Pavia* was exalted above all the other Cities, as the Head and Metropolis of all the Kingdom of *Italy*.

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[1] V. Patric. in Marte Gallico, cap.

ALBOINUS by theſe ſo many and ſudden Conqueſts, believing that he had already reduc'd *Italy* under his Power, went to *Verona*, where he made a ſolemn Feaſt. This Prince had married *Roſmunda* Daughter of *Comundus* King of the *Gepidæ*, from whom in a Battle, together with his Life, he had taken *Pannonia*, and being ſpurr'd on by his cruel Nature, had order'd a drinking Cup to be made of *Comundus*'s Scull, out of which, in Memory of that Victory, he was wont to drink [2]: *Alboinus* being grown a little merry at this Feaſt, and having *Comundus*'s Scull full of Wine, cauſed it to be preſented to his Queen *Roſmunda*, who was ſitting over-againſt him, ſaying with a loud Voice, that he would have her drink with her Father at ſo great a Merry-making: Which Words ſtruck the Lady to the very Heart; whereupon ſhe reſolved to be reveng'd, and knowing that *Almachildes*, a noble *Longobard*, and a bold Youth, lov'd one of her Maids, ſhe manag'd Matters ſo with her, that *Almachildes* was to be convey'd privately to lie with herſelf in Place of the Maid; and *Almachildes*, according to the Appointment of the Maid, being come to the dark Place agreed on, lay unknowingly with *Roſmunda*, who after it was over, diſcover'd herſelf to him, and ſaid, that he had it in his Power to chuſe whether he would murder *Alboinus*, and always enjoy her and the Kingdom, or be put to Death by the King as a Raviſher of his Wife. *Almachildes* conſented to kill *Alboinus*; but after he had kill'd him, there was no appearance of their getting Poſſeſſion of the Kingdom; on the contrary, they were afraid of being murder'd by the *Longobards*, who lov'd *Alboinus*, therefore they fled to *Longinus* in *Ravenna*, with all the Royal Treaſure, who receiv'd them honourably. But *Longinus* judging it was now a proper Time, by the Means of *Roſmunda* and her Treaſure, to make himſelf King of the *Longobards*, and of all *Italy*, imparted his Deſign to her, and perſuaded her to murther *Almachildes*, and then to take himſelf for her Husband; which ſhe agreed to, and prepar'd a Cup of poiſon'd Wine, which ſhe gave with her own Hand to *Almachildes* as he was coming thirſty out of the Bath, who after he had drunk the half of it, finding a Commotion in his Bowels, and remembering who he had to do with, oblig'd *Roſmunda* to drink the reſt: And thus in a few Hours they both died, and *Longinus* was diſappointed of being King.

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[1] Paul Warnefr. lib. 3. cap. 7.

[2] Ibid. lib. 2. cap. 14.

SECT. I.

Of CLEPHIS II. *King of* ITALY.

IN the mean time the *Longobards*, on the Death of *Alboinus*, who had reign'd three Years and ſix Months, after having bitterly lamented the Loſs of him, aſſembled in *Pavia* the principal Seat of their Kingdom, and made *Clephis* their

King[1]; a Man as noble as he was high and cruel minded, who rebuilt *Imola* near *Ravenna*, which had been ruined by *Narſes*, took Poſſeſſion of *Rimini*, and all other Places almoſt as far as *Rome*; but in the Career of his Victories died by the Hands of one of his own Creatures, after he had reign'd only eighteen Months. *Clephis* was very cruel, not only to Strangers, but likewiſe to his own *Longobards*, who were ſo terrified at Royal Power, that they did not incline to chuſe another King in haſte, but rather choſe to be ſubject to Dukes; each of which kept the Government of his own City and his Dukedom, with full Power and Dominion, and did not, as formerly, acknowledge Royal Authority, or any other Supreme Dominion. This Reſolution was the Cauſe that hindred the *Longobards* from taking Poſſeſſion at that Time of all *Italy*; and that ſome of the following Cities made a Defence for ſome Time, and others were never conquer'd by them; to wit, *Rome*, *Ravenna*, *Cremona*, *Mantua*, *Padua*, *Monſelice*, *Parma*, *Bologna*, *Faenza*, *Forli*, and *Ceſena*: Foraſmuch as their want of a King made them leſs capable of carrying on their Conqueſts; and afterwards when they did create one, they became (by their having been free for ſome time) leſs obedient, and more liable to quarrel amongſt themſelves; which put a Stop to their Conqueſts, and at laſt was the Occaſion of their being driven out of *Italy*.

WE ought not to paſs over this Place, without obſerving with *Camillus Pellegrinus*[2], the Errors long ſince common amongſt modern Writers, who by following *Sigonius*, or ſome other Writer more ancient than he, believ'd that the *Longobards*, abominating Royal Power, chang'd the Form of Government, and at *Clephis*'s Death created thirty Dukes, among whom they divided their Kingdom; becauſe whoever will but attentively conſider the Words of *Paul Warnefride*[3], who ſpeaks of that Change, will perceive, that the *Longobards* after the Death of *Clephis* neglected to chuſe a King, terrified, perhaps, at the Cruelty of that Prince, and frighted at the unhappy Deaths of *Alboinus* and *Clephis*, but choſe to live under their Dukes; who were not then firſt inſtituted for giving a new Form to their Kingdom, and changing the Ancient, but had been choſen from the Times of the Kings *Alboinus* and *Clephis*, according to the Cuſtom of the *Longobards* taken from the *Greeks*, who after the Conqueſt of Cities, appointed a Duke to govern them, as indeed the ſame *Warnefride* aſſures us, that at the Death of *Clephis*, the Dukes who were Governors of the following Towns were, *Zaban* of *Pavia*, *Alboinus* of *Milan*, *Walaris* of *Bergamo*, *Alachis* of *Breſcia*, *Evin* of *Trent*, *Giſulphus* of *Friuli*; and beſides theſe, in the other Cities ſubject to the *Longobards* there were thirty Dukes, to whom the Government of them was committed. Notwithſtanding their delaying to chuſe a King, no other Innovation happen'd; but this, that as formerly, the Dukes were in every Thing ſubordinate to the Kings, and as their Miniſters depended on their Becks; now every one of them govern'd his Dukedom with abſolute Power for the Space of ten Years, during which Time there was no King, which was the Occaſion of many Diſorders, and at laſt made them think of chuſing, with common Conſent, *Autaris* Son of *Clephis*, that he might ſhelter them from the conſtant Dangers they were in, and give them Relief. Beſides we ought not to forget, that, as the ſame *Warnefride* aſſures us, the Number of Dukes was not thirty, as is commonly believ'd, but they amounted to 36; and that 30 were appointed for the Government of the other Cities, beſides the ſix he had mention'd, to wit, the Dukes of *Pavia*, *Milan*, *Bergamo*, *Breſcia*, *Trent*, and *Friuli*. There is no mention of the Dukedom of *Beneventum*, as not being yet inſtituted, for our Provinces were ſtill ſubject to the *Greeks* under *Tiberius* who ſucceeded *Juſtin*, who after a Reign of twelve Years, died with exceſſive Torment, and in his Place *Tiberius* being choſen, was ſo engag'd in the War againſt the *Parthians*, that he could not relieve *Italy*, nor hinder the Progreſs of the *Longobards*.

ALTHO' their Affairs, during this Inter-reign, were ſomewhat proſperous with reſpect to the Wars they had with the *Greeks*, for in the Year 579, by the Conqueſt of *Sutri*, *Bomarzo*, *Orta*, *Todi*, *Amelia*, *Peruggia*, *Luceoli*, and other Cities, they had inlarged their State; nevertheleſs they ſoon perceiv'd, that their Realm thus divided could not laſt long; foraſmuch as by ſome Diſagreement amongſt themſelves, they had afforded an eaſy and ready Opportunity of being attack'd by foreign

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[1] Paul. Warnefr. lib. 1. cap. 14.

[2] Cam. Pelleg. in Diſſ. de Duc. Bene. diſ. 1.

[3] Paul. Warnefr. lib. 2. cap. ult.

Nations, and knew by their manifeſt Danger, what Miſchiefs their Diviſions would involve them in; for in their Conflicts with the *French*, they had come off with Loſs; and beſides, at the Inſtigation of the King of *France*, three Dukes had rebell'd [1]. Moreover in the Year 584. *Triberius* died, who had govern'd the Empire ſeven Years, more commendable for his Chrſtian Piety, than his Skill in Military Affairs, and was ſucceeded by *Mauritius* of *Cappadocia*, one of his Captains, to whom he had given one of his Daughters in Marriage; a Prince for Valour and Prudence much ſuperior to his Predeceſſors *Juſtin* and *Tiberius*; he conſidering ſeriouſly the great Damage he had ſuffer'd by the *Longobards* in *Italy*, thought of uſing all poſſible Means for driving them out of it, but finding that it was an Undertaking that requir'd a better Head than that of *Longinus* (whoſe Fidelity was alſo ſuſpected) he recall'd him, and in his Place ſent *Smaragdo* a moſt prudent Man, and well experienc'd in warlike Affairs, with a new Army the ſame Year 584, to be Exarch of *Ravenna* [2], and made a certain *Gregory* Duke of *Rome*, to whom that Dukedom was committed, and at the ſame time made *Caſtorius* Commander of the Soldiers in *Rome*, becauſe the *Greeks* were wont likewiſe to have ſuch an Officer to overſee the Soldiers, beſides the Duke; whence it is, that in *Naples*, which was a long time under the Empire of the *Greeks*, beſides the Duke, we read alſo of this other Officer.

SMARAGDO being arriv'd in *Ravenna*, was not long before he put his Deſigns in Execution; he made *Doctrulfus* a skilful Warrior to rebel againſt the *Longobards*, and come over to his Side; and not long after he took *Briſſello*, and ſubjected it to the *Grecian* Empire. And while *Smaragdo* was ſo ſucceſsful in *Italy*, *Mauritius* did not fail to take other Meaſures in order to drive the *Longobards* from this Province; he uſed all his Induſtry to draw the *French* to his Side, and at laſt, by Money, prevail'd with *Childebert* King of *France*, to make War againſt the *Longobards*, who juſtly fearing the great Damage ſuch a Confederacy and Preparation from the other Side of the *Alps* would bring upon them, and conſidering that they had no other way to ward off ſo great a Miſchief, and to reſiſt the Power of the *French* and *Romans*, but by ſubmitting again to the Authority of one ſingle Perſon, aſſembled themſelves, and with unanimous Conſent created *Autaris* Son of *Clephis*, their King, in the Year 585.

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[1] Paul. Æmil. de Reb. Franc.

[2] Marquar. Frether. in Chronolog. Exarc. Raven. apud Leunclavium.

SECT. II.

Of AUTARIS III. *King of* ITALY.

AUTARIS was a Prince of ſo great Valour and Prudence, that he much exceeded *Alboinus*, and his Progreſs in *Italy* was ſo great, that the Duration of the Kingdom of the *Longobards* for the Space of Two hundred Years was owing to him; for he had no ſooner mounted the Throne, than he cloſely beſieg'd *Briſſello*, and in order to inflict a ſignal Puniſhment upon *Doctrulfus* for his Felony, he uſed all Methods poſſible to get hold of him; foraſmuch as that Treachery had made him ſo ſuſpicious, that during all his Reign he was afraid the other Dukes would imitate him, ſo that he was more perplex'd how to reduce them to their Obedience, than to reſiſt the Power of his Enemies. He was ſo wiſe and prudent a Prince, that above all Things he ſtudied Means for giving his Kingdom a more lovely Aſpect, and a more ſettled Form of Government. In the firſt Place he ordain'd, that the Kings of the *Longobards*, in Imitation of the *Roman* Emperors, ſhould be called *Flavii*, and he would be ſo nam'd himſelf, that his Succeſſors, after his Example might retain that Surname, which afterwards all the ſucceeding Kings of the *Longobards* happily made uſe of [1]. And conſidering that the Dukes being accuſtom'd for the Space of ten Years to rule with an abſolute Command and Power over their Dukedoms, would bear it impatiently to have all Authority and Dominion taken from them, and be reduc'd to their former Condition; in order to ſhun greater Diſorders, and to prevent an Inſurrection, with much Prudence he compounded Matters thus[1]; that each of them ſhould give to the King and his Succeſſors, the Half of the Tax and Subſidies for maintaining the Royal Grandeur and Kingly Majeſty, and come to Court; the other half they were to keep to be imploy'd in the Government of their Dukedoms, and the Adminiſtration of their Cities, of which they had been appointed Dukes, reſerving to himſelf the Dominion and Supreme Right and Royal Authority; and that in caſe of Neceſſity, they ſhould be immediately ready to aſſiſt him with their Might and Arms againſt his Enemies; and albeit he could deprive them of their Dukedoms at his Pleaſure, nevertheleſs *Autaris* never put others in their Places, except either when their Male-Iſſue fail'd, or when they became unworthy by ſome great Felony committed by them[2].

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[1] Paul. Warnefrid. lib. 3. cap. 8.

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[1] Regin. lib. 1. A. 517. Paul. Warnefr. lib. 3. c. 8. Sigon. de Reg. Italiæ, lib. 1.

[2] Sigon. de R. Ital. lib. 1. Guido Pancirol. Theſaur. var. lect. lib. 1. c. 90. is Ducibus urbes, Dominio Supremo ſibi reſervato, conceſſit, quas ad ſtirpem virilem tantem tranſmitti voluit.

SECT. III.

The Origin of Fiefs *or* Feodal Holdings *in* ITALY.

WE come now to the Origin of Fiefs in *Italy*, which like the *Nile*, had their Head ſo hidden, and their Origin ſo concealed, that among the Writers of the Ages by paſt, it was reputed ſo difficult and deſperate a Task to find it out, and their Accounts were ſo different and inconſiſtent, that the Thing in queſtion was render'd more obſcure and dark, than clear and evident. However, we muſt not take upon us to ſay that the *Longobards* were the firſt who introduc'd them, and that in Imitation of them, other Nations afterwards receiv'd them into their Dominions; for in the Hiſtory of *France*, as *Charles Molineus*, the *French Papinian* relates[1], there is mention of Fiefs ſince the Reign of *Childebert* I.; and in their Annals, and in *Aimoinus*[2], and *Gregory* of *Tours*[3], we likewiſe read the ſame. We read alſo, that about the ſame time of King *Autaris*, but eleven Years ſooner, in the Reign of *Chilperick* I. and properly in the Year 574, King *Guntrannus* depriv'd *Erpon* of his Dukedom, and created one in his Place[4]; and *Paulus Emilius*[5], and *Jacobus Cujacius*[6] aſſure us, that the Kings of *France* had likewiſe the ſame Cuſtom of creating Dukes and Counts in the Cities; and as at the Beginning when it was introduc'd, it was in the King's Power to turn them out at his Pleaſure; ſo afterwards there was a Cuſtom brought in, that they could not be depriv'd of their Eſtate unleſs it could be proved that they had committed ſome great Felony. And at laſt the ſame Kings with an Oath confirm'd them in theſe Eſtates, of which by their Courteſy they had made them Lords. 'Tis true, at firſt, as is ſaid, theſe Dukes and Counts were only Governors of Cities, but afterwards they held theſe Cities as Lordſhips[7].

AND indeed, neither the *Romans* nor the *Grecians*, nor any other ancient People ever acknowledg'd any other Dignity but that of Orders and Offices: 'Twas the ancient *French*, and theſe Northern People, who ſettling themſelves in other Peoples Countries, invented Fiefs, and conſequently the third Order of Dignity, which is the Lordſhip. Not but that in ſome ſort this Invention owes its Beginning to the *Roman* Emperors [1], who for the greater Security of the Frontiers of the Empire, were wont to grant to the Captains and Soldiers, who had ſignaliz'd themſelves in the Conqueſts, ſome Lands ſituated on theſe Frontiers, as a Reward for their Bravery, of which they had all the Profits, ſo that this Grant was called *Beneficium*; which was in order to oblige them to continue in the Military Profeſſion with the greater Courage, by defending their own Lands; *ut attentius militarent, propria rura defendentes*, as *Lampridius* ſays [2].

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[1] Molin. in Conſuet. Paris tit. 1. de Fiefs, num. 13.

[2] Aimoin. lib. 1. c. 14.

[3] Greg. Turon. Hiſt. Franc. lib. 4. cap. 45. V. Alteſer. Orig. Feud. cap. 1.

[4] Greg. Turon. lib. 7. c. 22. & lib. 10. §. 19.

[5] P. Æmil. de Reb. Franc. lib. 1.

[6] Cujac. de Feud. in Princ.

[7] Loyſeau des Offices, lib. 1. cap. 3.

BUT this is certain, that much about the ſame time, the Northern People, *viz.* the *French* in *Gallia*, and the *Longobards* in *Italy*, introduc'd the Fiefs [3], both of them perhaps in Imitation of the *Goths*, who according to *Horatius Montanus* [4], were the firſt who laid the Foundations of them. *Charles Molineus* [5] aſſerts, That the *French* were the firſt who introduced them into *Gallia*, from whom the *Longobards* took them, who brought them into *Italy* afterwards, and properly into *Lombardy*, from whence they ſpread into *Sicily* and our *Puglia*; and, 'tis believ'd, that the firſt who brought them into theſe our Provinces, were the *Normans* who came hither from *Neuſtria*, which is now call'd *Normandy*; but our Predeceſſors were acquainted with Fiefs long before the Coming of the *Normans*; and the firſt who introduc'd them into the Provinces of *Samnium* and *Campania* were the *Longobards*, who conquer'd theſe Provinces firſt; and *Puglia* and *Calabria* receiv'd them later from the *Normans*, who entirely drove out the *Greeks*, amongſt whom the Uſe of Fiefs was not known, as ſhall be ſhewn in the Progreſs of this preſent Hiſtory.

HOWEVER 'tis likewiſe true, that all their Growth, and all the Cuſtoms and Laws which afterwards were introduc'd and publiſh'd concerning them, are owing to the *Longobards*, who gave them a certain and regular Form [6]; and they ſo gain'd Ground, that amongſt all other Nations Succeſſions, Acquiſitions, Inveſtitures, and all other Matters relating to Fiefs, were regulated by no other Laws and Cuſtoms but thoſe of the *Longobards*; whereupon, a new Body of Laws ſprung up, which we call Feudal: But we ſhall diſcourſe of that in a more proper Place, when we ſhall have occaſion to reaſon more at large about their Books, which make up one of the principal Parts of the Juriſprudence of our Kingdom.

AFTER that *Autaris* had in this manner pleaſed his Dukes, he did not neglect to provide what his Kingdom ſtood in need of, and, above all, he had a ſpecial Regard for Juſtice and Religion [7]. He order'd that Theft, Robbery, Homicide, Adultery, and all other Crimes ſhould be ſeverely puniſh'd. He demoliſh'd Paganiſm, and embrac'd Chriſtianity, which had not been receiv'd before by the *Longobards*, who for the moſt part, after the Example of their King, embrac'd his Religion. But the Circumſtances of theſe Times, and the freſh Example of the *Goths*, occaſion'd their not receiving it pure and uncorrupted, but polluted with *Arianiſm*; which was the Occaſion (their Biſhops being *Arians*) of many Diſorders and Strifes which aroſe betwixt them and the Catholick Biſhops that were in the Cities ſubject to them.

THE Progreſs of *Autaris* was no leſs in Military Valour, than his Prudence in Civil Matters: He ſoon regain'd *Briſſello*; and that it might not, in time to come, be a Receptacle for his Enemies, demoliſh'd the ſtrong Walls which ſurrounded it. But eſpecially his Wiſdom and Bravery appear'd, when *Childebert* King of *France* paſſed the *Alps* with a powerful Army, for knowing himſelf to be inferior in Forces, and not able to withſtand him in the Field, he order'd his Dukes to provide their Cities with ſtrong Garriſons, and not to go out of their Fortifications, but expect the Enemy upon the Walls; which Conduct had ſuch proſperous Succeſs, that *Childebert* conſidering it would be a very tedious and difficult Undertaking to lay Siege to ſo many Cities, immediately yielded to the Allurements of *Autaris*, who had ſent Ambaſſadors to him with rich Preſents, in order to divert him from his Enterprize, and to deſire Peace of him, which ſucceeded to his Wiſh; ſo that the Emperor *Mauritius* made heavy Complaints, and was ſo much diſpleas'd at *Childebert's*

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[1] Molin. in Conſuet. Pariſ. tit. 1. de Fiefs, num. 11.

[2] Lamprid. apud Loyſeau, des Off. lib. 1. cap. 1. num. 104. in fin.

[3] Th. Cragius, lib. 1. dieg. 5. Jo. Schilterus Com. ad Rubr. Jur. Feud. Alem. §. 8.

[4] Montan. in Præl. Feud.

[5] Molin. in Conſuet. Pariſ. tit. de Fiefs, num. 13.

[6] Hornius in Juriſpr. Feudal. cap. 1. §. 8.

[7] Sigon. de R. Ital. lib. 1.

Breach of Faith, that he demanded either to have the vaſt Sum of Money which he had taken for making War upon the *Longobards* return'd, or that he ſhould perform his Promiſe in returning to *Italy* to fight them; and theſe Complaints and Reproaches were ſo continual and frequent, that at laſt *Childebert*, ſpurr'd on by the Punctilio of Honour, reſolv'd to return into *Italy* with a more powerful Army than the firſt. 'Twas then that *Autaris* gave the utmoſt Proofs of his Valour; for he conſider'd ſeriouſly that he ought to employ all his Might and utmoſt Efforts, in order to cruſh this powerful Enemy; that for the future the *French* might never more come to diſturb his Kingdom, and that by their Example other Nations might likewiſe be deterr'd, he reſolv'd to diſpoſe his Army after another Manner than at firſt he had done; for he deſign'd to prevent the Enemy, and meet them in the open Field. And having conven'd his Armies from all Parts of the Kingdom, he encourag'd them to the Undertaking, which was as hard and difficult as glorious, and, if ſucceſsful, would procure a perpetual Peace and Tranquility to his Kingdom; he ſtirr'd up his *Longobards* to give the utmoſt Proof of their Bravery; he put them in Mind of the many Victories they had obtain'd over the *Gepidæ* in *Pannonia*; that by their Proweſs they had ſubjected *Italy*; and laſtly, that their Buſineſs was not now, as formerly, to fight for Empire, or the enlarging it, but for their Liberty and Safety. Theſe Words were ſuch a Spur to the *Longobards*, that it touch'd their very Hearts, ſo that the Signal for Battle was given. At the firſt Attack, they behav'd with ſo much Valour and Intrepidity, that immediately the Enemies Wing began to give way; and taking more Courage from ſo proſperous a Beginning, they purſued them ſo briſkly, that the *French* were oblig'd to abandon the Field, and ſave themſelves by Flight. The Enemy thus fled and diſpers'd, many were taken, and as many kill'd, and Multitudes, in order to be ſhelter'd from the Fury of the *Longobards*, hid themſelves, where they died of Hunger and Cold. By ſo famous and notable a Victory, the Name of *Autaris* became illuſtrious and bright over all *Europe*: And now ſeeing himſelf freed from the Incurſions of Foreign Nations, he thought of ſubjecting the reſt of *Italy*, which was yet in the Poſſeſſion of the *Greeks*.

CHAP. II.

Of the Dukedom of Beneventum; *and of* ZOTO *its firſt Duke.*

AUTARIS had done what his Predeceſſors had not, to wit, ſubjected almoſt all the hither *Italy*, excepting the *Roman* Dukedom, and the Exarchate of *Ravenna*, which was at this time govern'd by *Romanus*[1]; for the Emperor *Mauritius* a little before had recall'd *Smaragdus*, but he had not as yet conquer'd the moſt beautiful and famous Part of *Italy*, *viz.* that Part and theſe Provinces which now make up this Kingdom of *Naples*. Hitherto theſe Provinces had been maintain'd under the Empire of the Emperors of the Eaſt, who had govern'd them according to the Form that had been introduc'd by *Longinus*; almoſt all the principal Cities had their Dukes: *Naples*, *Surrentum*, *Amalphis*, *Taranto*, *Gaeta*, and almoſt all the reſt which now belong to this Kingdom, were governed by their Dukes; however they were all immediately under the Exarch of *Ravenna*, and conſequently ſubject to the Emperors of the Eaſt: And tho' their Form of Government appeared to be Republican, nevertheleſs 'tis the Height of Folly to believe they were ſo free, that they did not acknowledge the Emperor of the Eaſt, under whoſe Dominion they liv'd, for their Sovereign; yet by the Weakneſs of the Exarchs of *Ravenna*, and the Diſtance of the Imperial Seat, the Government of the Dukes became a little more abſolute, inſomuch that they often proceeded to open Rebellion againſt their Prince, which the Dukes of *Naples* frequently attempted to do, as we ſhall relate in its own Place.

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[1] Marq. Frether. in Chronologia, Smaragdus, A. 584. Romanus, A. 587.

THESE Provinces, as being the moſt diſtant from *Pavia*, the Seat of the *Longobards*, and which could have been ſoon aſſiſted by Sea, with which they are all very near ſurrounded, in caſe they had been attack'd, were maintain'd with very ſmall Garriſons by the *Greeks*; ſo that *Autaris*, a moſt experienc'd Prince, deſign'd to begin his Conqueſts by the inland Provinces: He left *Rome* and *Ravenna* behind him, which he could not have eaſily ſubdu'd; and in the Spring of the Year 589. join'd his Army in the Dukedom of *Spoletium*, and pretending to direct his March to other Places, turn'd upon a ſudden, and threw himſelf into *Samnium*. The *Greeks* being thus ſurpriz'd, were ſo ſtunn'd and aſtoniſh'd, that without much Diſpute, *Autaris* in an inſtant conquer'd all this Province, and at laſt *Beneventum*, a City, which, as *Sigonius* believ'd, has ever ſince been Metropolis of *Samnium*. From whence 'tis ſaid, that this Prince, fluſh'd with the Succeſs of ſo remarkable a Conqueſt, puſh'd forward, and over-run all *Calabria*, as far as *Rhegium*, a City ſituated upon the furtheſt Point of *Italy*, on the Sea-ſhore; where, being ſtill on Horſe-back, he ſtruck a Pillar that was poſted on the Shore, and ſaid: *Thus far ſhall the Bounds of the* Longobards *reach*[1]; whence *Arioſto*, ſinging of the Actions of this glorious Prince, ſaid, That

——————— *his Standard he bore,*
From the Foot of the Alps, *to th'* Aprutian *Shore.*

'Tis alſo ſaid, that when he return'd to *Beneventum*, he reduced that Province into a Dukedom, and made *Zotto* Duke of it; and ſo to the two famous Dukedoms of *Friuli* and *Spoletium*, he added a Third, which in proceſs of Time, became as much ſuperior to the other two, as they exceeded the leſſer Dukedoms of *Italy*.

BUT ſeeing about the Beginning and Inſtitution of the Dukedom of *Beneventum*, Opinions are different; and that this Dukedom is to take up a great Part of our Hiſtory, for the Space of more than 500 Years; which was not only of great Duration, but ſo large, that it extended itſelf ſo far, as to comprehend almoſt all that which is now the Kingdom of *Naples*; therefore it ought not to be reputed beſide the Purpoſe, if we ſhall reaſon more particularly about it. 'Tis commonly believ'd, that the Dukedom of *Beneventum* was firſt inſtituted by *Autaris* in the Year 589, and that *Zoto* was created firſt Duke of it by the ſame Prince. It paſſes for an undoubted Truth amongſt all Hiſtorians, that this *Zoto* was the firſt Duke of *Beneventum*; but who made him ſuch, and at what Time, Sentiments are various. *Carolus Sigonius*[2], and *Wolfangus Latius*[3], not having well examined the Words and Phraſes uſed by *Paul Warneſride*[4], when he ſpeaks of this Inſtitution, contend, that he was inſtituted by *Autaris* the ſame Year in which he conquered *Samnium* and *Beneventum*, which at this Time they took to be the Head of this Province; but the very manner in which *Warneſride* mentions it, ſolves the Difficulty; he does not affirm it for certain, but with a *putatur*, *refertur*, *fama eſt*; and alſo what he ſubjoins, that *Zoto* held the Dukedom of *Beneventum* twenty Years, would not agree with the Series of Things that happened ſince, nor the Chronology of the Times of the other Dukes who ſucceeded him; if from this Year 589. they will begin to reckon the twenty Years of the Dukedom of *Zoto*: Wherefore ſome others, amongſt whom *Scipio Ammiratus*, in his Diſſertations on the Dukes and Princes of *Beneventum*; and *Ant. Caracciolus*[5] doubted if the *Epocha* of this Dukedom ought not to be fixed in more ancient Times. But what made them afterwards reject the

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[1] P. Warnefr. lib. 3. cap. 16.
[2] Sigon. de R. Ital. lib. 1.
[3] Wolf. Lat. lib. 12. de Migrat. gent.
[4] P. Warnefr. lib. 3. c. 16.
[5] Ant. Carac. n. Propyleo ad quattuor Chron.

Opinions of *Sigonius* and *Latius*, was the Authority of *Leo Oſtienſis* [1], who tho' he flouriſh'd Three hundred Years after *Warnefride*, writes not doubtfully, but with great Aſſurance, in his Chronicle of the *Neapolitan* Edition, that the *Greeks* retook *Beneventum* from the *Longobards*, in the Year 891, Three hundred and twenty Years after *Zoto* had been Duke of it; whence, according to *Oſtienſis*, the Beginning of the Government of *Zoto* ſhould be carry'd back to the Year 571; or, as *Ammiratus* will have it, to the Year 573; who in order to make it agree with the Things fallen out ſince, and with the Chronology of the other Dukes, own'd by the ſame *Warnefride*, corrects the Place of *Oſtienſis*, and will have it read, not Three hundred and twenty, but Three hundred and eighteen: So that according to their Opinions, the Dukedom of *Beneventum* had its Beginning before *Autaris* conquer'd *Samnium*, and ſome Years after the coming of *Alboinus* into *Italy*. Others have found out the Origin of this Dukedom to be of an older Date, to wit, in the ſame Year 568, when *Alboinus* left *Pannonia*, in order to come and conquer *Italy*; and that beſides the Province of *Venice*, a Band of *Longobards* went as far as *Beneventum*, and having fix'd themſelves there, elected *Zoto* for their Duke; which they prove from an ancient Regiſter of the Dukes and Princes of *Beneventum*, made by an unknown Monk of the Monaſtery of S. *Sophia* in *Beneventum*, which goes further back than the Hiſtory of the *Anonymus Salernitanus*, who ſays [2]: *Anno ab incarnatione Domini Quingenteſimo Sexageſimo Octavo, Principes cæperunt principari in Principatu Beneventano, quorum primus vocabatur Zoto*, to whom he aſſigns Twenty-two Years Government, and not twenty, according to *Warnefride*.

BUT the Difference in Opinions does not end here, neither are the moſt careful Inquirers ſatisfied with this Beginning, but they ſearch for one further back in more diſtant Times; which *Leo Oſtienſis* ſhews us in his Chronicle, in which, tho' we read in the *Neapolitan* Edition, that there were Three hundred and twenty Years from the Creation of Duke *Zoto*, to the Year 891, in which *Beneventum* was retaken by the *Greeks*; nevertheleſs the Original, which is preſerv'd in the Archives of *Caſino*, differs very much from the *Neapolitan* Edition; ſince we read there, that from *Zoto* to the Year 891, not 320, or 318, but 330 Years interven'd: According to this Reading are the Editions of *Venice* and *Paris*, and the laſt publiſh'd by the Abbot *de Nuce*; both the one and the other are more correct than that of *Naples* as to the Number of Years, ſo that according to this Reckoning it muſt be acknowledg'd, that the Dukedom of *Beneventum* had its Beginning from *Zoto* in the Year 561. But certainly it will ſeem a very ſtrange and new Thing, to alledge that this Dukedom had been inſtituted this Year, which would make it commence ſeven Years before the *Longobards* came out of *Pannonia* in order to conquer *Italy*; and when the *Greeks* bore abſolute Sway over all the Provinces of it.

IN ſo great Variety, we chuſe to follow the Opinion of the moſt exact *Camillus Pellegrinus* [3], who treats of this Subject with more Care, and to better Purpoſe than all the reſt; whoſe Opinion is ſupported by what *Conſtantinus Porphyrogenitus* has left us in Writing concerning the coming of the *Longobards* to *Beneventum*: Though he be an Author ſomewhat Fabulous in what he writes about the coming of the *Longobards* into *Italy*, nevertheleſs in the midſt of his Fables ſome Glimpſes of Truth likewiſe appear, which in ſo difficult and doubtful a Matter, may point out the Way by which we may find out the Beginning and Inſtitution of this Dukedom. This Writer relates [4], that the *Longobards* being invited into *Italy* by *Narſes*, came with their Families to *Beneventum*, but not being admitted within the City by the *Beneventans*, they built their Habitations without the Walls, which became a ſmall City, and which even to his Time retain'd the Name of *Citta Nova*; and having ſettled themſelves there, ſome time after by Fraud they enter'd arm'd into *Beneventum*; and having turn'd every Thing topſy-turvy, kill'd all the Citizens, and afterwards over-run the whole Province, and ſubjected it to the Dominion of the *Longobards*, and extended their Empire from *Calabria* to *Pavia*, excepting the Cities of *Otranto*, *Gallipoli*, *Roſſano*, *Naples*, *Gaeta*, *Surrentum*, and *Amalphis*.

ALTHO' what this Author relates of the *Longobards* having come out of *Beneventum*, and extended their Empire over all *Italy*, be Fabulous, and contrary to all

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[1] Leo Oſtien. Chron. lib. 1. cap. 48.

[2] We have it in Camil. Pelleg. in Hiſt. Princ. Long.

[3] Cam. Pel. in Diſ. de Duc. Ben. Diſ. 1.

[4] Conſtant. Porphyr. de Admin. Imp. c. 27.

Hiſtory, which ſays, that after their marching out of *Pannonia* under *Alboinus*, their firſt Conqueſts were in the Province of *Venice*, and afterwards by degrees in *Liguria*, *Æmilia*, *Tuſcany*, and the other Provinces: And what he ſays alſo of the *Citta Nova*, which near Two hundred Years after the coming of *Alboinus* into *Italy*, was built by *Arechis* for fear of the *French*, be likewiſe a Fable, as we ſhall ſhew in its Place. Yet what he ſays of the *Longobards* having retired to *Beneventum* under *Narſes*, certainly is not fabulous; for, from what is above related, 'tis moſt certain, that *Narſes*, before he invited *Alboinus*, and before their general Tranſmigration, almoſt in all his Wars, was wont to make uſe of the *Longobards* in *Italy*; neither was this the firſt time they had been call'd by him; he had them in the War againſt *Totila*, and, as *Warnefride* ſays, tho' that after having gain'd that Victory, being loaded with many Preſents, they had been ordered back to their own Habitations, nevertheleſs all the Time that they poſſeſs'd *Pannonia*, they were Auxiliaries to the *Romans*; whence 'tis very probable, that altho' *Narſes* had diſmiſſed them, yet they did not all return Home: But that about the Year 552, or 553, many of them being taken with the Pleaſantneſs of the Country, remain'd in *Italy*, and after the manner of Robbers, wander'd ſometimes in one Place, ſometimes in another, of which *Procopius* alſo gives Teſtimony; and that at laſt, either of their own Choice, or perhaps by the Command of *Narſes*, in order to keep them under, and to prevent Diſorders which their going ſo diſperſed occaſion'd, they had *Beneventum* aſſign'd them for a Place of Reſidence; and that afterwards in the Year 561, they had made themſelves Maſters of it, in which Action *Zoto* had had the principal Share as their Captain: So that from this Year, we may ſay with *Oſtienſis*, the *Longobards* began to rule in *Benventum* under *Zoto*; therefore to the Year 891. in which they were driven out by the *Greeks*, there were exactly Three hundred and thirty Years: But the Dukedom was not inſtituted in thoſe Times; nor when the Dominion of the *Greeks* was powerful in that Province, could a Handful of *Longobards* reduce *Samnium* to the Form of a Dukedom, and eſtabliſh *Zoto* Duke of it. In order then to make the Years of the Government, which *Warnefride* gives to *Zoto*, agree with the Facts and the Chronology of the other Dukes his Succeſſors, own'd by the ſame Writer; we muſt reckon the Beginning of it from the Year 571, that is to ſay, when *Alboinus* had already enter'd *Italy*, and conquer'd many Provinces: Then thoſe *Longobards* that were in *Beneventum* being become more bold, openly threw off the Yoke of the *Greeks*, and rebelling againſt them, poſſeſs'd themſelves of the neighbouring Country; and afterwards, in the ſame Year 571, created *Zoto* Duke of their own People, who from ſuch an obſcure Beginning commenced his Government. Thereafter *Autaris* having come to invade our *Ciſtiberina Italia*, and having ſubdu'd the intire Province of *Samnium*, finding *Beneventum* poſſeſs'd by the *Longobards*, who were under this Government of *Zoto* their Duke, confirm'd him in it, and having made him Tributary, as all the ſucceeding Dukes of *Beneventum* were, to the Kings of *Lombardy*, he left that Dukedom under his Adminiſtration; whence it came, that by ſome Writers the Beginning of the Government of *Zoto* is taken, not from the Time that *Autaris* poſſeſs'd *Samnium*, and reduc'd it to the Form of a Dukedom, and put it under his Command, but from the Time that *Zoto* commenced from theſe obſcure Beginnings, and that Order of Things, to have the Government of *Beneventum*, and of thoſe *Longobards* who had poſſeſs'd themſelves at firſt of it, as *Porphyrogenitus* relates.

THE Dukedom of *Beneventum* then, from ſo mean and ſlender Beginnings, had its Riſe: Such 'tis ſaid, has been the Riſe of the moſt famous Commonwealths, and the moſt renown'd Principalities in the World; thereafter in the Courſe of Years it not only equall'd thoſe of *Spoletium* and *Friuli*, but by much overtopp'd them; and we ſhall ſee it at once poſſeſs'd almoſt of all the *Ciſtiberinan Italy*, but towards the North its Limits were further extended than at preſent thoſe of our Kingdom are on that Side. It began from that Handful of *Longobards* who ſettled themſelves in *Beneventum* under *Narſes*; and upon ſo ſlender a Foundation, by degrees, was built that Polity, and that Form of Government which was kept up for many Ages under the Dukes who ſucceeded *Zoto*. *Autaris* was the firſt who gave it the moſt ſtable and certain Form, and began to enlarge its Limits; foraſmuch as he ſubjected the whole Province of *Samnium* to this Dukedom; and as we ſhall ſee, the Kings of the *Longobards*, his Succeſſors, by the Means of the Dukes, augmented it wonderfully. *Beneventum* had the good Luck to be the Head and Metropolis of ſo great a Dukedom,

dom, not by Choice, perhaps neither becauſe in the Reign of *Autaris* this City was eminent above all the other Cities of theſe Provinces which he then commanded: For there were other Cities in *Samnium* no leſs famous and ancient, ſuch as *Iſernia*, *Bojanum*, and others; and there were much more noted Cities in *Campania*: On the contrary, *Beneventum*, tho' in the Time of the *Romans* it had been one of the moſt famous Colonies of that Commonwealth; nevertheleſs by the Invaſion of the *Goths* often ſuffered thoſe Calamities which ſuch ſtrange Revolutions carry along with them; neither in their Time did it retain its ancient Dignity, but in the Reign of *Totila* who cauſ'd its Walls to be demoliſh'd [1], it was reduc'd to a very lamentable Condition. *Beneventum* then by a certain Fate, and its own good Luck, was made the Seat of this Dukedom, and thereafter became the Head and Metropolis of its neighbouring Provinces; but it acquir'd this Honour a long time after. At the Time that *Warnefride* wrote, this City had raiſ'd itſelf above all the reſt; but that was two Centuries after the Reign of *Autaris*. For which Cauſe, when this Author deſcribing the ſeventeen Provinces of *Italy*, and placing *Beneventum* in *Samnium*, names this City as Head of the neighbouring Provinces, he did ſo with regard to the Time in which he wrote, when the Seat of this Dukedom was become very great and rich, and was advanc'd to be Head, not only of one, but of many Provinces, ſuch as *Samnium*, *Campania*, *Puglia*, *Lucania*, and the *Brutii*, either in whole or in part, as we ſhall ſhew hereafter. But elſewhere, when he places *Beneventum* in *Samnium*, he did it not with regard to the Times in which the *Longobards* govern'd, but had an Eye to the old Deſcription of *Italy* in the Days of the ancient *Samnites*; for according to the later of *Auguſtus*, as *Pliny* aſſures us [2], *Beneventum* was plac'd in *Puglia*, and not in *Samnium*; and in the other following Deſcriptions, we ſee this City poſted on the Confines of *Campania*; whence it is, that in the Acts of *Januarius*, that holy Biſhop of *Beneventum*, now the firſt Tutelar of *Naples*, we obſerve when he ſuffer'd Martyrdom under *Diocleſian*, ſuch Affairs were committed to the *Præſes* of *Campania*, whoſe Buſineſs it was. And we likewiſe find, that *Auſonius* ſpeaking of thoſe who have chang'd Sexes, and telling that in *Beneventum*, not long ago a pretty Youth became a Woman, calls *Beneventum* a City of *Campania*.

Nec ſatis antiquum, quod Campana in Benevento,
Unus ephebororum virgo repente fuit.

AND in the Itinerary which is attributed to *Antoninus*, the Bounds of *Campania* are fix'd at *Equo Tutico*, and according to the Obſervation of *Philippus Cluverius* [3], that City which we now commonly call *Ariano*, is ſituated further in than *Beneventum*; the Words of the Itinerary are theſe: *A Capua Equo Tutico M.P. LIIII. ubi Campania limitem habet. Caudis M.P. XXI. Benevento M.P. XI. Equo Tutico M.P. XXI.*

AND it was for no other Reaſon that the Inhabitants of *Beneventum*, as we have ſaid, ſet up many Marbles with Encomiums on the *Conſulares* of *Campania*, as did alſo the *Campanians*, the *Neapolitans*, and the other Cities that were govern'd by the *Conſulares* of *Campania*. By which Documents it manifeſtly appears, why the other *Januarius*, likewiſe Biſhop of *Beneventum*, when he was at the Council of *Sardica*, which was held in the Year 347, the Cuſtom being then, that the Biſhops ſubſcrib'd with the Name of their own City, and the Province in which it was ſituated, ſubſcrib'd in this manner: *Januarius a Campania de Benevento.*

WARNEFRIDE did the ſame when he deſcribed the ſeventeen Provinces of *Italy*, by repreſenting them as he found them in the *Notitia* of the two Empires, made under *Theodoſius the Younger*, about the Year of our Lord 440; for in his Time the Provinces of *Italy*, tho' they had the ſame Names given them by Writers, as we at this Time, in order to ſhew our Erudition when we write, not only have recourſe to the Days of *Theodoſius*, but go much higher, and name each of the twelve Provinces of which our Kingdom is compos'd at preſent, as they were under the Free-Commonwealth, by calling their People *Samnites*, *Lucani*, *Harpini*, *Salentini*, and the like; nevertheleſs there was a Difference in all their Adminiſtration and *Italy* was divided into many Dukedoms, which were not formerly Provinces; whence it came, that what is now our Kingdom, and which formerly was only divided into four Provinces, was afterwards form'd into twelve, which got other Names, and other Bounds, as in the Sequel of this Hiſtory we ſhall ſee.

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[1] Procop. lib. ult.

[2] Plin. lib. 3. cap. 11.

[3] Cluver. in antiq. Ital. lib. 4. cap. 8.

TO return then to our Purpoſe, the Inſtitution of this Dukedom, if we conſider its mean Beginning, owes its being eſtabliſh'd in *Beneventum* to Chance, and not Deſign, as not only the other leſſer Dukedoms of the *Longobards* were inſtituted in diverſe Cities, but alſo thoſe of *Friuli* and *Spoleto*; and as it fares with all other Things of this World, that if we will look back to their Origin, being ſprung from very ſmall Beginnings, they riſe to their Height, whither they are no ſooner arriv'd, than they muſt return to their former State, according to the Rule of worldly Things; unavoidable Laws, which human Wiſdom cannot withſtand nor remedy. However, in Proceſs of Time, the *Longobards* having fixed themſelves in *Italy*, and their Kings having perceiv'd, that the perpetuating a long Series of ſo many Dukedoms, would be a Means to keep their Kingdom too much divided, had a mind to extinguiſh a great many of them, and to keep up only thoſe that could beſt help to preſerve the State. In effect, *Warnefride* himſelf aſſures us, that in his Time many of them were extinct, and in the Sequel of his Hiſtory, he makes mention of no other Dukedoms but thoſe of *Trent*, *Turin*, *Bergamo*, *Breſcia*, and theſe other three which were exalted above all the reſt, to wit, of *Spoleto*, *Friuli*, and this of *Beneventum*.

NEITHER is it unreaſonable to believe, that theſe three laſt were exalted above all the reſt on Account of their Situation, by which the Kingdom was enabled to keep it ſelf more ſecure, and extend its Limits farther: Foraſmuch as the Dukedom of *Friuli* being ſituated at the Entrance of *Italy*, from whence they could the more readily reſiſt the Incurſions of Foreign Nations that might endeavour to invade it; and *Spoleto* being placed in the Middle of *Italy*, they could eaſily ſuppreſs the Motions of the *Romans* and the *Greeks*, who being fortified in *Ravenna* and *Rome*, gave frequent Diſturbance by their Excurſions; and as for *Beneventum*, its Situation was ſuch as to command the lower Part of *Italy*, from whence they could make a Stand both againſt the *Greeks* and the *Romans*, by whom they were often aſſaulted from the Maritime Places, and kept in continual War. Therefore *Mattheus Palmerius*[1] gives an exact Deſcription of the Polity and Form of Government of the *Longobards*, when he ſays, That having fix'd their Seat in *Pavia*, they divided *Italy* into ſeveral Principalities, over which they ſet Dukes, amongſt which the moſt conſpicuous, and, in Proceſs of Time, remarkable, were that of *Friuli* at the Entrance of *Italy*, that of *Spoleto* ſituate as it were in the Centre of it, and the third of *Beneventum* for commanding the lower Part thereof; ſeeing theſe three Dukedoms were always ſubject to the Kings, and govern'd with the ſame Spirit and by the ſame Laws, making but one Commonwealth; and being eſtabliſh'd after this manner they became more famous, and by degrees extended their Limits (in which *Beneventum* made the greateſt Progreſs of all the reſt) and the *Longobards* were enabled to preſerve their Dominion long in *Italy*.

IN recording the Exploits of the Dukes of *Beneventum*, we ſhall follow the Order of Time and Years obſerv'd by the moſt exact *Pellegrinus*, as the moſt accurate of all the reſt, and even of more Credit than *Warnefride* himſelf; and by reckoning the Beginning of the Government of *Zotto* in the Year of God 571, and not in the Year 585, as *Warnefride* did, who nevertheleſs confeſſes that his Government laſted Twenty Years, which is certainly the moſt ſure time, ſhall put an end to it in the Year 591, and not in 605 or 598, as *Sigonius* does: So that what this Writer relates of the Pillaging and Sacking of *Croton*, which happen'd certainly in the Year 596, not under *Zoto*, but *Arechis* his Succeſſor; whence we clearly ſee the Miſtakes that ariſe, and of which *Sigonius* himſelf was not aware, who fix'd the Beginning of the Government of *Zoto* in the Year 589, for he ought to have placed the End of his Government and his Death in the Year 609, after the Expiring of the twenty Years, and not as he did in 598, in which Year there would only have been nine Years of his Government paſt.

THE Deeds of *Zoto*, firſt Duke of *Beneventum*, deſerve no Praiſe; for *Autaris* was no ſooner return'd to *Verona*, after having ſubdued *Samnium* to his

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[1] Mat. Palmer. in Chron. ad A. 776.

Dukedom, and left the Government of it to *Zoto*, than he gave evident Signs of his Rapacity, and likewiſe of his no regard to Religion, which may be underſtood by the following Fact. The Monaſtery of *Caſino*, built Sixty Years before by St. *Benedict*, famous all the World over, as well on Account of its Founder, as for the Sanctity and Quality of its Monks, had been wonderfully enrich'd by the Donations of divers Princes; *Zoto*, a moſt avaricious Man, being covetous of theſe Riches, attack'd it unawares in the Night-time, and, not ſatisfied with the Booty and all that was valuable in it, deſtroyed and threw down the Edifice; and while the *Longobards* were all intent upon the Pillage, *Bonitus*, who was then Abbot, made his Eſcape with his Monks, and fled to *Rome*, where they were kindly receiv'd by Pope *Pelagius*, and had Lodgings appointed them near to the *Lateran*, where they built a Monaſtery, in which they remain'd a Hundred and thirty Years; during which Time the Monaſtery of *Caſino* was forſaken, until *Petronax*, being exhorted by *Gregory* II. took Care of it; who having led back again many Monks and Nobles who choſe him for their Abbot, rebuilt the Edifice, and reſtor'd it to its former Greatneſs.

THE Pillage of this Monaſtery was certainly committed by *Zoto* not long before his Death, towards the End of the Year 589, under Pope *Pelagius*, who died in the Year 590, not long before St. *Gregory the Great* wrote his Dialogues, who making mention of this Pillage, ſpeaks of it as a Thing lately done [1]; and 'tis moſt certain, as *Baronius* carefully obſerves, that St. *Gregory* wrote his Dialogues in the Year 593, whence we clearly ſee the Error of *Warnefride*, who places this Fact in the Year 605, and that of *Sigebertus*, who will have it to have been in the Year 596, not adverting to the undoubted Teſtimony of St. *Gregory*, and what is gathered from the Chronicle of *Leo Oſtienſis*. This deſerves to be treated of more at large, but the Abbot *de Nuce* [2] ſupplies that Defect, who has examin'd this Point very carefully.

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[1] S. Greg. M. lib. 2. Dialog. cap. 17. Nocturno tempore nuper illic Longobardi ingreſſi ſunt.

[2] Abb. de Nuce Chron. Caſ. lib. 1. cap. 2. in Excur. Chronolog.

CHAP. III.

Of Agilulfus IV. *King of the* Longobards; *and of* Arechis II. *Duke of* Beneventum.

WHILE theſe Things happen'd in our Provinces, *Autaris*, not able to obtain the Siſter of *Childebert* King of *France* in Marriage, for ſhe was given to *Recaredus* King of *Spain*, after he had embrac'd the Catholick Faith, and by a memorable Example driven *Arianiſm* out of his Kingdoms, demanded *Theodolinda*, Daughter of *Garibaldus* King of the *Bojoari*; a moſt prudent Woman, whoſe tranſcendent Virtues deſerve often to be remember'd in this Hiſtory; and having married her in *Verona* in the Year 590, he was intangled in a new War with the *French*: For *Childebert* being deſirous to recover the Honour he had loſt by the Defeats of the preceding Years, return'd with a powerful Army into *Italy*, and the Terror of his Arms and his Promiſes were ſo great, that many of the *Longobard* Dukes rebell'd: *Minolphus* Duke of *Novara*, *Gandolphus* Duke of *Bergamo*, and

Valfaris

Valſaris Duke of *Triviggi* went over to his Side. 'Tis ſaid [1], that in thoſe Days *Pavia* being poſſeſſed by *Papius* Duke of the *Franconians*, this City took its Name from him, which it retains to this Day, and the ancient Name *Ticinum* was forgot. But this Expedition of the *French* was as unfortunate as the reſt, their Army being afflicted with the Bloody Flux, while *Autaris* and his Dukes were well provided within their fortified Places. The *French*, tho' they roam'd up and down in *Italy* for the Space of three Months, yet at laſt the Diſeaſe growing more inſupportable, were forced to return home; ſo that *Autaris* took this fit Opportunity of asking Peace of *Childebert*, by the Means of *Guntrandus* Uncle to *Childebert*, who mediated a Treaty; but *Autaris* died ſoon after, for having gone from *Verona* to *Pavia*, he got a poiſonous Drink [2], by which he ended his Days in *September*, the ſame Year 590, after having reign'd in *Italy* a little leſs than ſix Years. The *Longobards* hearing of the Death of their Prince, immediately conven'd in *Pavia* to elect a Succeſſor, and in the mean time ſent Ambaſſadors to *Guntrandus*, to notify to him what had happen'd, at the ſame time beſeeching him to interpoſe his good Offices for procuring Peace with *Childebert* his Nephew; but when they were about electing a new Prince, finding they had none who was fit to ſupport the Dignity, they reſolv'd that *Theodolinda* ſhould govern them, and that the Perſon ſhe ſhould chuſe amongſt the Dukes for a Husband, ſhould be inveſted with the Regal Dignity. Amongſt the *Longobard* Dukes at this Time, *Agilulfus* was Duke of *Turin*, a Prince near of Kin to *Autaris*, who, beſides the Comelineſs of his Perſon, had a Mind truly Royal and fitted for any Government. *Theodolinda*, out of ſo many, preferr'd him, who, to the general Satisfaction, was proclaimed King.

AMONGST the many and valuable Endowments of *Theodolinda*, her being moſt zealous for the Catholick Religion, in which ſhe had been brought up and inſtructed, was not the leaſt in thoſe Times, on which Account ſhe was much beloved by St. *Gregory the Great*, who ſent her the four Books of the Lives of the Saints which he had compos'd, as knowing her to be moſt affectionate to the Faith of Chriſt, and well inſtructed and excelling in all human Knowledge; and tho' all her Endeavours for inducing *Autaris* her firſt Husband to renounce *Arianiſm* had been to no purpoſe, nevertheleſs ſhe believ'd that ſhe ſhould not find the ſame Inflexibility in *Agilulfus*, not only on Account of his pliable and ſweet Temper, but much more out of Gratitude for her having advanc'd him to the Throne: Therefore *Agilulfus* embrac'd the Catholick Religion, and the *Longobards*, following the Example of their Prince, many of them left Heatheniſm, others *Arianiſm*, with which they were infected, and turn'd Catholicks; and the Zeal of *Agilulfus* for this Religion prevail'd ſo far, that, by the Advice of *Theodolinda*, he repair'd many Monaſteries, and rebuilt many Churches, which in the by-paſt Wars had been almoſt ruin'd; to which he gave many Poſſeſſions, and re-inſtated the Biſhops in their Honour and Credit, who while the *Longobards* were in the Error of *Paganiſm*, had been ſlighted and deſpiſed [3].

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[1] Sigon. de Reb. Ital. lib.

[2] P. Warnefr. lib. 3. cap. 18.

[3] Paul Warnefr. lib 6. cap. 2.

SECT. I.

Of ARECHIS II. *Duke of* Beneventum.

IN the Reign of *Agilulphus*, according to the Computation of *Pellegrinus*, the Death of *Zoto* Duke of *Beneventum* happen'd in the Year 591; he was more famous for his Rapacity, and the remarkable Pillage of the Monaſtery of *Caſino*, than any Thing elſe; ſo that by his Death *Arechis*, Couſin to *Gilulphus* Duke of

Friuli [1] was choſen Duke of *Beneventum* by King *Agilulfus*. According to the Polity introduc'd by *Autaris* into the Kingdom of the *Longobards* in *Italy*, theſe Dukes never loſt their Dukedoms, but for Rebellion, or at their Death; and after their Death, it likewiſe became a Cuſtom to prefer the Sons of the Deceaſed to any other, if the King thought them capable: So we ſee that after the long Government of this *Arechis*, which laſted 50 Years, *Ajo* his Son ſucceeded him; and if the Duke died without Sons, the King either choſe another in his Place, or extinguiſh'd the Dukedom without appointing a Succeſſor. Which is obſerv'd to have begun to be practis'd in the laſt Years of the Reign of this Prince; which he did for Reaſons of State, puſh'd on by the Ambition of the Dukes, who often endeavour'd to ſhake off the Yoke of Dependancy, in order to make themſelves Abſolute; for which Cauſe they were oblig'd to ſuppreſs many of theſe Dukedoms when they could, ſo that by Degrees they reduc'd them to a ſmall Number, reſerving only thoſe, as has been ſaid, that could be helpful in the Security and Preſervation of the Kingdom. So much the more, becauſe the Kings of the *Longobards* were in continual Vexation and Trouble, not only by the Wars with foreign Nations, but likewiſe by thoſe of their own Dukes, as we have ſeen in the Reign of *Autaris*, and which may be obſerv'd in that of *Agilulfus*, who in the Year 600, having made Peace with the *Romans*, and renew'd the Alliance with *Theodibert* the new King of *France*, had a War upon his Hands againſt his Dukes who had rebell'd, and having given them a notable Defeat, he put three of them to Death without Mercy, to wit, *Zangrulphus* in *Verona*, *Gandulphus* in *Bergamo*, and *Varecauſus* in *Pavia*.

THEREFORE when any of them failed, either by Death or Rebellion, there were others appointed in their Place, of whoſe Fidelity and Affection they were very ſure, as *Agilulfus*, who, when *Eoinus* Duke of *Trent* died, appointed Duke *Gondoaldus* in his Room, who was a Catholick, and remarkable for his Piety [2]: Or if they were not willing to continue the Succeſſion; as in the Caſe of the Duke of *Crema*, who died without Sons, there was no Succeſſor appointed [3].

THE Dukedom of *Beneventum* under the Government of *Arechis*, which was the longeſt of any that had ever been, having laſted fifty Years, from the Year 591. to 641, extended its Bounds very much; ſo that according to *Paulus Emilius* [4], and other Writers, its Limits on one ſide reach'd to *Naples*, and on the other to *Sipontum*, which City after the Pontificate of *Gregory the Great*, ſurrendered likewiſe to the *Longobards*, and was join'd to the Dukedom of *Beneventum*. Neither hitherto had it ſo far inlarged its Confines, as it afterwards luckily did in the ſubſequent Years, when it comprehended almoſt all that which is at preſent the Kingdom of *Naples*. Neither can it be ſaid that from this Time its Bounds were extended to *Croton*, becauſe the *Longobards* under the Duke of *Beneventum*, which according to the *Epocha* of *Pellegrinus* could not ſurely be *Zoto*, but *Arechis*, had taken and pillaged the City of *Croton*, and made many Priſoners there; for the Cuſtom of the *Longobards* was, that when they did not ſucceed in conquering a Place, in which they could maintain themſelves, and leave a Garriſon, they over-run the Country after the Manner of Robbers, pillaging and carrying the People along with them Priſoners, from whom they exacted large Sums for their Ranſom; as it happen'd to thoſe of *Croton*, who were obliged to pay a great Sum of Money for their Redemption: And by a Letter of S. *Gregory the Great*'s, wherein he laments their Captivity, we read of the Efforts he made to get them ſet at Liberty; we ſee clearly, that having taken the City, and pillag'd it, loaded with Booty, they carry'd off with them many of the Nobility, and not ſparing either Age or Sex, left it, without putting a Garriſon into it, as being at a great Diſtance from the Borders of their Dukedom, and ſurrounded with many Cities of the *Greeks* their Enemies. This was a Cuſtom likewiſe practis'd by the Catholicks, who altho' they did not make Slaves of the Priſoners, nevertheleſs they kept them until they were ranſom'd with Money; of which we have the Teſtimony of grave Authors [5]. Therefore it ought not to be reputed Cruelty or Fury in the *Longobards* only, ſome of which were Heathens, others Arians, that they practic'd the ſame on their Enemies. Neither can it be ſaid, that this Dukedom comprehended the Monaſtery of *M. Caſino*, in the Time of *Zoto*, becauſe it was then that they pillag'd it; and for the ſame reaſon it would be more ridiculous to alledge, that in the Reign of King *Autaris*, the Dukedom of *Beneventum* reach'd as far as *Rhegium*, becauſe *Autaris* carried his Standard to this furtheſt Part; for 'tis manifeſtly known, that when this Prince ſtruck the Pillar that ſtood there with his Spear, and ſaid, So far would he extend the Limits of his Kingdom; then, and for a long time after, all theſe Parts were under the Dominion of the Emperors of the Eaſt.

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[1] Sigon. de reb. Ital. An. 598.

[2] P. Warnefr. lib. 4. cap. 14.

[3] Sigon. de reb. Ital. An. 602.

[4] Paul. Æmil. de reb. Franc. lib.

[5] Grot. de jure Belli & Pacis, lib. 3. cap. 7. num. 9. Vinn. Inſtit. lib. 1. tit. 3. §. Servi num. 4.

THUS, what is now the Kingdom of *Naples*, was not at this Time under the Government of one ſingle Lord or Prince, but of two. The Dukedom of *Beneventum* was immediately ſubject to its own Duke, and he to the King of the *Longobards*. *Puglia* and *Calabria*, *Lucania* and the *Brutii*; the Dukedom of *Naples*; thoſe of *Gaeta*, *Surrentum*, *Amalphis*, and the other leſſer Dukedoms, were immediately under their Dukes, and they held of the Exarch of *Ravenna*, who was under the Emperors of the Eaſt.

CHAP. IV.

Of the Dukedom of Naples, *and its Dukes.*

SEEING in the Dukedom of *Naples*, we find Dukes who govern'd it for a continu'd Tract of Time, and that it was the only one which was not under the Dominion of the *Longobards*, and which after the other leſſer Dukedoms were extinct, comprehended many Cities which had been comprized in them, on which account it became the more conſpicuous; It will not be amiſs, that in treating of the Dukes of *Beneventum*, we at the ſame time diſcourſe of thoſe of *Naples*; becauſe by ſo doing, we may perceive the Viciſſitude of worldly Things, as by the continual Wars which the People of *Beneventum* had with the *Neapolitans*, the Dukedom of *Beneventum* always increaſed, ſo on the contrary that of *Naples*, and the Dominion of the *Greeks* over the other Provinces diminiſhed; and as we now ſee, that there is ſcarcely any Veſtige of the Dukedom of *Beneventum* remaining, ſo on the contrary *Naples* is raiſed to that Height, not only to be the Head of a ſmall Dukedom, as it was, but Head and Metropolis of a great and moſt flouriſhing Kingdom.

THE Dukedom of *Naples*, which in its Infancy had very narrow Bounds, comprehending only the City of *Naples*, with its Dependencies, in the Time of *Mauritius* Emperor of the Eaſt made notable Acquiſitions; for this Prince added to its Dominions the neighbouring Iſlands of *Iſchia*, *Niſida*, and *Procida*, in the Poſſeſſion of which he confirm'd the *Neapolitans*, as S. *Gregory the Great*[1] writes. He likewiſe added afterwards *Cuma*, *Stabia*, *Surrentum*, and *Amalphis*, which till the Times of Pope *Adrian*, and *Charles the Great*, belong'd to the Dukedom of *Naples*, as is evident from a Letter of that Pope's mention'd by *Pellegrinus*; ſo that this Dukedom being reduced in a manner into the Form of a Province, it came likewiſe to be call'd *Campania*; whence very often the Duke of *Naples* took the Title of *Dux Campaniæ*, as S. *Gregory*[2] called *Scholaſticus*, *Dux Campaniæ*; and elſewhere[3] he gave *Gudiſcalcus* the ſame Title. This comprehending many Cities of that Coaſt, they were ſubject to the *Neapolitans* and their Duke; for which Cauſe the Biſhops of the

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[1] S. Greg. M. lib. 9. ind. 4. ep. 53. Cam. Pel. diſ. de finib. Duc. Ben. ad merid. p. 32.

[2] Ibid. lib. 2. ind. 11. ep. 1, 2, & 15.

[3] Epiſt. 12. lib. 8. ind. 3.

Cities were wont to call themſelves *Neapolitan* Biſhops; whence it is, that very often we read in the Letters of that Pope: *Epiſcopis Neapolitanis.*

IT could not ſtretch its Borders further towards the Weſt, North, or Eaſt; for the Dukedom of *Beneventum* being become powerful, extended its Authority over all theſe Parts: *Capua*, with its Territory, as far as *Cuma*, and the Coaſt which has no Harbour from *Minturno*, *Ulturno*, and *Patria*, of old called *Linterno*, was already under the Dominion of the *Longobards.* Not long after the *Longobards* extended the Borders of the Dukedom of *Beneventum* as far as *Salernum*; and many other Cities towards the Eaſt, as far as *Coſenza*, with all the inland Towns were taken from the *Greeks*; and this Dukedom of *Naples* had likewiſe fallen under the Dominion of the *Longobards*, as in proceſs of Time all the inland Cities of the Kingdom did, and afterwards the Maritime, excepting *Gaeta*, *Amalphis*, *Surrentum*, *Otranto*, *Gallipoli*, and *Roſſano*, if two Cauſes had not hinder'd it; which were, that the *Longobards* had no naval Forces, neither were they expert in beſieging Sea-Port Towns; and alſo, becauſe the *Neapolitans*, by reaſon of their Situation, had well fortified *Naples*, and all the other Maritime Towns ſubject to them. So that *Naples* with its ſmall Dukedom may juſtly boaſt, that tho' almoſt all the Cities of the Kingdom had been ſubdu'd by the *Longobards*, excepting thoſe few abovemention'd, yet they never could wholly ſubdue the *Neapolitans*, tho' afterwards in latter times they were made tributary to the Princes of *Beneventum*, as in the Courſe of this Hiſtory we ſhall relate: So that 'tis an unpardonable Error in *Blondus* [1], who writes, that the *Longobards*, not long after the Government of 36 Dukes, ſubdued *Naples.*

IT was the Cuſtom to ſend Dukes to govern the Dukedom of *Naples*, either directly from *Conſtantinople* by the Emperors of the Eaſt, or, when Neceſſity would not permit to wait their coming from ſo diſtant a Place, the Exarch of *Ravenna*, who was at this Time the firſt Magiſtrate of the Emperors of the Eaſt in *Italy*, was wont to ſend them.

DURING the Government of *Arechis*, of which we are now treating, while *Mauritius* reign'd in the Eaſt, *Naples* being without a Duke, and *Arechis*, together with *Arnulphus* Duke of *Spoleto* deſigning to attack it, S. *Gregory the Great*, who had the Defence of it much at Heart, and who took Care of the Intereſt of the Emperor againſt the *Longobards*, thinking that if they ſhould conquer the reſt of *Italy*, which was under the Dominion of the *Greeks*, they might at laſt ſubject *Rome* likewiſe, wrote [2] in the Year 592, very earneſtly to *John* Biſhop of *Ravenna*, to haſten the Exarch to ſend the Duke immediately to *Naples*, in order to defend it againſt the Treachery of *Arechis*, otherwiſe it would certainly be loſt.

AND from another Letter [3] of the ſame Pope, dated in the Year 599, we obſerve, that not long after *Maurentius* was ſent to be Duke of *Naples*, who was ſo careful of the Preſervation of that City, that beſides his having provided it with a ſtrong Garriſon, he oblig'd even the Monks to ſtand Centinels on the Walls, without ſo much as exempting *Theodoſius* the Abbot, at which *Gregory* was much griev'd [4]; and the ſending Soldiers to lodge in a Nunnery, and conſtraining the Abbeſs to receive them, afflicted him exceedingly.

BUT the Emperor *Mauritius* being driven from the Empire in the Year 602, by *Phocas*, who caus'd himſelf to be proclaim'd Emperor by the Army in *Pannonia*, and being arrived at *Conſtantinople*, was acknowledg'd there, and put *Mauritius* and his Sons to Death; and having ſent his Picture to *Rome*, was there likewiſe proclaim'd Emperor, with the Conſent alſo of S. *Gregory*, who acknowledg'd him in *Rome*, as the Patriarch *Ciriacus* had done in *Conſtantinople.* *Phocas* then having mounted the Throne, in the Room of *Callinicus*, who had been put in Place of *Romanus* by *Mauritius*, ſent *Smaragdus* anew to be Exarch in *Ravenna* [5], and *Gondoinus* to be Duke of *Naples.*

ON the Death of *Gondoinus*, *Phocas* ſent *Joannes Compoſinus*, a *Conſtantinopolitan*, to be Duke of *Naples*, who, breaking his Faith to his Prince, endeavoured to make himſelf abſolute Lord of the City committed to his Charge; *Phocas* was put to

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[1] Blond. Decad. 1. hiſt. lib. 8.

[2] S. Greg. M. lib. 2. Ind. 10. epiſt. 32. Cam. Pel. in Diſſert. de Duc. Ben. pag. 32.

[3] Ep. 74. lib. 7. Ind. 2.

[4] Ep. 107. lib. 1. Ind. 2.

[5] Marq. Freher. in Cron. Exarch. Rav.

Death in the Year 610 [1], and *Heraclius* his Competitor ſucceeded in the Empire; and the People of *Ravenna*, not being able to bear the Pride and Oppreſſion of *Joannes Lemigius* [2] the new Exarch, who had been ſent to *Ravenna* by *Heraclius*, in the Year 612, took Arms, and tumultuouſly went to the Palace, where they kill'd him, together with his Judges. This Fact coming to the Knowledge of *Joannes Compoſinus*, Duke of *Naples*, he thought he could not have a more fit Opportunity for making himſelf Maſter of the City; whereupon he immediately poſſeſs'd himſelf of it, and provided it with a ſtrong Garriſon againſt the Forces which he was afraid the Emperor *Heraclius* would ſend againſt him, who in Effect, being appriz'd of the Mutiny in *Ravenna*, and of the Rebellion of *Compoſinus*, immediately ſent *Eleutherius* [3], a Patrician, and Gentleman of his Bedchamber, a gallant and wiſe Man, to be Exarch in *Italy*. He having quell'd the Mutiny in *Ravenna*, went with a ſufficient Army to *Naples*, into which he fought his way, and kill'd the Tyrant, and reducing it as it was formerly under the Dominion of *Heraclius*, and appointing a new Duke, return'd to *Ravenna* Victorious [4].

THE Opinion of *Summontes*, or what he ſuppoſes, is not probable; that the new Duke left by *Eleutherius* in *Naples*, was that *Theodore* who is ſaid to be the Founder of the Church of S.S. *Peter* and *Paul*, now ſituated in the Quarter of *Nido*; for the *Greek* Inſcription which was upon a Marble Stone, and in which *Theodore* Conſul and Duke, was named as Founder of that Church, bearing Date of the fourth Indiction, falls much lower, to wit, in the Year 717, in which Time this Duke govern'd, as has been obſerv'd by Men of Worth; on the contrary, 'tis true, that *Eleutherius* was ſent to *Ravenna* by *Heraclius*, in the Year 616, where he held the Exarchate little more than two Years; for in the Year 619, *Iſaicus* a Patrician was ſent to be his Succeſſor [5].

THE Fables which our Modern Writers have invented concerning this Rebellion of *Compoſinus* are ſurprizing; they ſay, that this Duke, after he had poſſeſs'd himſelf of *Naples*, made himſelf Maſter alſo of *Puglia* and *Calabria*, and of other Places of our Kingdom: That moreover he caus'd himſelf to be crown'd King of them; and that he went firſt to *Bari* to be crown'd with the Iron Crown, and afterwards to *Naples* to receive the Golden one; and that therefore he was the firſt who had uſurp'd the Title of King of *Naples*; adding, that the *Normans*, after the Example of this firſt King of *Naples*, would likewiſe be crown'd at *Bari* with the Iron Crown, and in *Palermo* with the Golden one [6]. All which are Dreams of weak Men; for *Compoſinus* was never Maſter of *Puglia* and *Calabria*, nor other Provinces, which for the moſt Part at this Time were under the Dominion of the *Longobards*. He invaded *Naples* only with its Dependencies; *Paul Warnefride* [7] relates, that a few Days after he was driven out of it by *Eleutherius* a Patrician. 'Tis not likely he could do great Feats, while not only the *Greeks*, but likewiſe the *Longobards* were very powerful: Neither do we ever read in Authors of any Account, that he made himſelf to be crown'd King; and 'tis yet more ridiculous to ſay that he went to *Bari* to take the Iron Crown, and afterwards to *Naples*, that of Gold; what is related of that Coronation at *Bari* with Iron being altogether fabulous, and never practis'd by any of our Kings, as ſhall be clearly ſeen in the following Books of this Hiſtory.

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[1] P. Pagi de Conſulib. pag. 342.

[2] Marq. Freher. loc. cit.

[3] Ibidem.

[4] Anaſtaſ. Bibliothec. in Deuſdedit. Cam. Pel. in Diſſert. de Duc. Ben. pag. 33.

[5] Marq. Freher. loc. cit.

[6] Beatil. hiſt. Bar. p. 12. hiſt. S. Nic. lib. 11.

[7] War. lib. 4. cap. 10.

CHAP. V.

Of Adalualdus *and* Ariovaldus V. *and* VI. *Kings of the* Longobards.

THE Dominion of the *Greeks* in *Italy* being already reduc'd to a very low Ebb, the *Longobards* under their King *Agilulfus*, attempted to make an end of driving them intirely out of the Countries they were in Poſſeſſion of; and what contributed very much to it was, the *Longobards* for the moſt Part (after the Example of *Agilulfus*) having forſaken, ſome of them *Gentiliſm*, and very many *Arianiſm*, had embrac'd the Catholick Religion, which made them leſs odious to the People, and their Government more tolerable. In effect, the Peace which the Kingdom enjoy'd for ſo long a Time, was owing to *Agilulfus*, who was the firſt King of the *Longobards* that embrac'd this Religion, and during all the Courſe of his Life, left Monuments of much Piety and Munificence towards the Churches and Monaſteries: He being dead, *Adalualdus* his Son ſucceeded him, who had been his Collegue on the Throne while alive; and following the Footſteps of his Father, and much more thoſe of his Mother *Theodolinda*, whom he would have to be his Copartner in the Government, brought the Affairs of the *Longobards* to ſuch a peaceable and quiet State, that no Noiſe of War diſturb'd their Repoſe; and under them the Churches were repair'd, and many Donations given to holy Places [1].

BUT *Adalualdus* did not long enjoy ſo great Proſperity, for in the eighth Year of his Reign, the Emperor *Heraclius* having ſent to him a certain *Euſebius*, his Ambaſſador, for treating of Peace and other Matters of Importance; this Man, either of his own Head, or by Order of his Maſter, while the King was coming out of the Bath, preſented to him a Drink as wholeſome for him; which he had no ſooner drank, than he loſt his Senſes, and became fooliſh [2]; which the cunning *Euſebius* perceiving, gave him to underſtand, that for his greater Security he ought to cauſe the moſt powerful of the *Longobards* to be put to Death; which Advice, being young, and a Fool, he embrac'd, and immediately cauſed to be put to Death twelve of the Chief Nobility; which the reſt of the *Longobards* perceiving, and ſeeing themſelves in the ſame Danger from his Folly, made an Inſurrection, and proclaim'd him Impious and a Tyrant, and dethroning both him and the Queen *Theodolinda*, his Mother, put *Ariovaldus*, Duke of *Turin* in his Room, who had for Wife *Gundeberga*, Siſter of *Adalualdus*.

THIS Adventure divided the *Longobards* into two Factions; *Ariovaldus* was ſupported by thoſe Nobles who had made the Inſurrection, to whom all the Biſhops on the other Side of the *Po* join'd, who with all their Might endeavour'd to increaſe their Party; *Adalualdus* on the other hand was aſſiſted by *Honorius* Pope of *Rome*, who had ſtrong Reaſons for ſupporting him, as well on account of *Theodolinda*, to whoſe Piety the Catholick Religion was much indebted, as becauſe *Ariovaldus* was abhorr'd by the Catholicks for being an Arian, in which Hereſy he was born and brought up; and ſo great were the Pains which *Honorius* took, that he likewiſe brought over *Iſaicus*, at this Time Exarch in *Italy*, to his Party, and with a powerful Army oblig'd him to reſtore *Adalualdus* to the Throne. He alſo got the Biſhops who favour'd *Ariovaldus* to deſert him, by threatning that he would not let ſuch Treachery paſs unpuniſh'd; but *Iſaicus* not having accompliſh'd his Undertaking, and *Adalualdus* dying opportunely of Poiſon, *Ariovaldus* at laſt obtain'd the Kingdom, who being odious to the Catholicks, occaſion'd no ſmall Diſturbance in *Italy*.

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[1] Warnef. lib. 4. cap. 15.

[2] Sigon. ad An. 623.

NOT many Years of this Reign had paſs'd, when *Theodolinda* ſeeing herſelf ſo deſpicable, and without all hopes of recovering her former Royal Dignity, full of Anguiſh and extreme Grief, died in the Year 627. A Princeſs, both for the excellent Endowments of her Mind, and her ſingular Piety, moſt worthy of Praiſe, and to be number'd amongſt the moſt illuſtrious Women in the World, and who did not deſerve to be put in the Novels of the *Decameron* of *John Boccacio* [1].

ARIOVALDUS reign'd other nine Years after the Death of *Theodolinda*, and died without leaving Male Children, in the Year 636; for which Cauſe the *Longobards* having call'd together the Dukes, thought of chuſing a new King, and not knowing whom they could raiſe to that Dignity, gave to *Gundeberga*, as they had formerly given to *Theodolinda*, the Power of making him King whom ſhe ſhould chooſe to be her Husband. *Gundeberga*, like a moſt prudent and wiſe Lady, choſe *Rotaris* Duke of *Breſcia* for her Husband and King, in the ſame Year 636, according to the Computation of *Pellegrinus*.

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[1] Boccacio Gior. 3. Nov. 2.

CHAP. VI.

Of King ROTARIS VII. *by whom the Laws of the* Longobards *in* Italy *were put in Writing.*

ROTARIS was a Prince moſt valiant, and of conſummate Prudence, but eſpecially a great Lover of Juſtice; and if any Blemiſh obſcur'd his Worth, 'twas his being ſtain'd with the Arian Hereſy; whence in his Time, in many Cities of *Italy* there were two Biſhops, the one Catholick, and the other Arian [1].

THIS was the firſt Prince who gave written Laws to his *Longobards* [2], by whoſe Example the other Kings his Succeſſors being mov'd, in length of Time there appear'd a new Volume of Laws, call'd the *Longobard* Laws, which had once ſuch an Aſcendant in our Kingdom, that the *Roman* Laws were forced to give way to them. But before we mention the *Longobard* Laws, it will be requiſite to look into the Condition the *Roman* Juriſprudence was reduc'd to in *Italy*, and theſe our Provinces, during the Reign of this Prince, and thoſe of the Kings his Succeſſors, and in what Books it was comprehended.

THE Emperor *Juſtinian*, tho' he had taken Care to have his Volumes ſpread over all *Italy*, and had ſtrictly commanded, that, all others being aboliſh'd, theſe only, with his *Novellæ Conſtitutiones*, ſhould take Place; nevertheleſs their Authority expired almoſt with himſelf; for he was no ſooner dead, and ſucceeded by *Juſtin*, a moſt fooliſh Prince, than *Italy* fell anew into the Hands of Strangers; and, excepting the Exarchate of *Ravenna*, the Dukedom of *Rome*, and thoſe ſmall ones of *Naples*, *Gaeta*, *Amalphis*, and other Maritime Cities of *Puglia*, *Calabria*, and *Lucania*, the

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[1] Warnefr. lib. 4. cap. 15.

[2] Ibid. hiſt. Long. lib. 4. cap. 15.

Longobards were Maſters of all its other Provinces: The other Emperors who ſucceeded *Juſtin*, being at very little Pains to recover them, and at much leſs to reſtore the Laws of *Juſtinian*; alſo there were not wanting ſome of them, as ſhall be told in its Place, who either out of Envy, or Emulation, endeavour'd even to extinguiſh them in the Eaſt altogether. Beſides it may be added, that among the *Longobards*, by reaſon of the continual Wars kindled betwixt them, the Name of a *Greek* was moſt abominable, and all that proceeded from them, was with the greateſt Averſion rejected and aboliſhed; whence, altho' it was allow'd to the Inhabitants to make uſe of the *Roman* Laws, and to the *Romans* to live under them, nevertheleſs they were to ſtick to the *Theodoſian* Code, which was in greater Eſteem amongſt the *Longobards* than the *Juſtinian* [1].

TO which was added the Example of the *Weſtrogoths*, who at this Time reign'd in *Spain*; who being ſatisfied with the Code made by the Order of *Alarick*, and the new Compilation of the Laws of the *Weſtrogoths*, in imitation of that of *Juſtinian*, did not acknowledge his Books.

WE may likewiſe add the Example of the *French*, who until the Reign of *Charles the Bald*, did not acknowledge other *Roman* Laws, but thoſe which were contain'd in the *Theodoſian* Code, or its Compendium made by Order of *Alarick* [2]. So *Charles the Great* himſelf, deſirous to reſtore the *Roman* Juriſprudence, which in his Time was reduc'd to a very lamentable Condition, neglected the Books of *Juſtinian*, and ſet about reſtoring and amending the *Theodoſian* Code, as theſe Words join'd to the Commentary of *Alarick*, which is put at the Beginning of the *Theodoſian* Code, demonſtrate: *Et iterum Anno XX. Regnante Carolo Rege Franc. & Longobard. & Patritio Romano.* And ſo great was the Care of this glorious Prince, and the Regard he had for this Code, that he cauſed many of its Laws to be inſerted into his *Capitularia* [3].

IN the Reign of *Charles the Bald*, 'tis evident, that *France* began firſt to approve of the Laws of *Juſtinian*, as the Authors of that Age teſtify, who often quote his Laws, but never mention the *Theodoſian*; thus *Hincmare* of *Rheims*: *Et Sacri Africæ Provinciæ Canones; & lex Juſtiniana decernunt* [4], and elſewhere [5], *Leges Juſtiniani dicunt.* Which may be gathered from what *Joannes Italus* [6] wrote concerning *Abbo*, Father of *Odo* of *Cluny*, who, *Juſtiniani Novellam memoriter tenebat.* Altho' there are not wanting Authors in the Times following, who likewiſe made uſe no leſs of the Books of *Juſtinian* than of the *Theodoſian* Laws, as *Ivo* of *Chartres* [7], *Gratian*, and others did.

IN *Italy* the Popes ſtudied ſolely to maintain the Authority of the *Juſtinian* Laws, and thoſe of the other Emperors of the Eaſt, for which they had a great Regard and Veneration. Their Deſign was to ſupport with all their Might the Authority of the *Grecian* Emperors, by acknowledging them for Sovereigns, that ſo they might counterballance the Power of the *Longobards*, and by that Means keep *Italy* divided betwixt two equal Powers, to the end, that when the one incroach'd upon the other, *Rome* might not fall under the Servitude of either of them. The Popes lov'd the Empire of the *Greeks* beſt, becauſe they being at a Diſtance were not in a Condition to beſtow much Time in hindering the Progreſs and Deſigns they had of making themſelves Maſters of *Rome*; and therefore when the *Longobards* grew ſo powerful, as to make them afraid leſt they ſhould poſſeſs themſelves of that City, the Loſs of which would have been their Ruin, they immediately had recourſe to the *Greeks* for their Aſſiſtance to oppoſe them. In effect, S. *Gregory the Great*, as is ſaid, was very much againſt the *Greeks* being totally driven out of *Italy*: He had the Laws of the Emperors of the Eaſt in great Veneration, and eſpecially thoſe of *Juſtinian*, which he often made uſe of, and moſt frequently of the *Novellæ*, as is manifeſt from *Gratian*, and the Decretals [8]. Which Cuſtom his Succeſſors retain'd afterwards, and amongſt the reſt *Gregory* III. [9], *Nicolas* I. *Lucius* III. *John* VIII. [10], and others related by *Dadinus Alteſerra* [11]. For which Cauſe *Leo* IV.

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[1] Gotofr. in Proleg. ad Cod. Th.

[2] Alteſ. rer. Aquitan. lib. 3. cap. 13.

[3] Capitular. Caroli M. cap. 18. 4. Addit. & cap. 281. lib. 6.

[4] Hincmar. Rem. ep. 7.

[5] Ibid. in Opuſc. adv. Hinc. Laudonenſem.

[6] Jo. Ital. in vita S. Odon. Abb. Cluniac. Alteſ. loc. cit. pag. 199.

[7] Ivo Epiſt. 212, 243, 280.

[8] Gregor. lib. 12. Epiſt. 51, 53. l. 11. Novel. 123. Grat. c. 38. c. 11. q. 1. & c. 2. de Teſtib. c. ult. Nov. 90. V. Alt. rer. Aquit. c. 16. pag. 219, 220, & 228.

[9] Greg. III. cap. Lator. de Pignorib.

[10] Jo. VIII. Can. fin. 16. q. 3. ſed venerandæ Rom. leges, &c.

[11] Alteſ. loc. cit. pag. 219.

following the Footſteps of his Predeceſſors, wrote that Letter which we read in *Gratian*[1], to the Emperor *Lothaire* I. in which he intreats him to preſerve the *Roman* Laws: *Veſtram flagitamus Clementiam, ut ſicut hactenus Romana lex viguit abſque univerſis procellis, & pro nullius perſona hominis reminiſcitur eſſe corrupta; ita nunc ſuum robur, propriumque vigorem obtineat*: whence *Ivo* of *Chartres*[2] ſaid, *Dicunt enim inſtituta legum Novellarum, quas commendat, & ſervat Romana Eccleſia:* And the Eccleſiaſticks, both in computing the Years that made them capable of Orders, and in many others Things, have follow'd the *Roman* Laws; whence the Books of *Juſtinian* in theſe Times had more Force and Authority in the *Roman* Dukedom, than in any other Part of *Italy*, and the ſame as in *Ravenna*[3] the Seat of the Exarchate of the *Greeks*; whence 'tis related[4], that that Volume of the Digeſts which is now call'd *Infortiatum*, to which the People of *Ravenna* had recourſe for deciding their Cauſes, was long preſerv'd in this City: So that with good reaſon *Hermandus Conringius* concluded[5], that in *Italy*, before *Lothaire* II. *Juris Romani & quidem maxime Juſtinianei, uſus aliquis arbitrarius ſuperfuit exiguus ubivis; frequentior tamen Romæ, inque aliis Exarchatus locis, quam in Regno Longobardico, Novellarum præcipua fuit auctoritas in rebus Eccleſiaſticis nonnullis.*

BUT the *Longobards* by reaſon of the obſtinate and cruel Wars which they had with the *Greeks*, altho' they allow'd the People to retain the *Roman* Laws, as the *Goths* had done, yet would not ſuffer any other Books but the *Theodoſian* Code, and the Compendium of *Alarick* to be learned, or to have the Force and Authority of Laws, imitating alſo in that the Practice of the *Goths*; neither hitherto for the Space of ſixty Years that they had been in *Italy*, had they any written Laws of their own[6], but govern'd themſelves only according to their Cuſtoms, and the Inſtitutions handed down to them by the Tradition of their Forefathers, which they obſerved very religiouſly.

ROTARIS then was the firſt, who having mounted the Throne, and inlarged his Kingdom by the Conqueſt of the *Alpes Cottiæ*, and *Oderzo*, thought of giving written Laws to his *Longobards*.

THE Method which the *Longobard* Kings took for eſtabliſhing their Laws, is ſo much commended by *Hugo Grotius*[7], that he prefers the *Longobards* in that to the *Romans* themſelves: Theſe often receiv'd Laws from the Will of one ſingle Perſon, which he alter'd and chang'd at his own Pleaſure; ſo that whatever pleas'd the Prince had the Force of Laws. On the contrary, the *Longobard* Kings did not aſſume that Power to themſelves alone, but took the Opinions and Advice of the principal Lords and Barons of the Kingdom in eſtabliſhing Laws, and the Order of Magiſtrates had likewiſe their Share in them; neither were they eſtabliſh'd but in publick Aſſemblies conven'd for that end, into which after the manner of the *French* they did not admit the Eccleſiaſtical Order, but that of the Lords and Magiſtrates only; neither did the Commons with them make an Order apart, but as *Cæſar* wrote of *Old Gallia*, *Plebs planè ſervorum habebatur loco, quæ per ſe nil audet, nullique adhibetur concilio.*

ROTARIS having then, according to the *Epocha* of *Camillus Pellegrinus*, in the Year 644, ſummon'd a Diet in *Pavia*, in which the Lords and Magiſtrates aſſiſted, enacted many Laws which he had caus'd to be committed to Writing, and inſerted in an Edict which he publiſh'd over all his Kingdom, after the ſame manner that *Theodorick the Oſtrogoth* had done, when he publiſh'd his over all *Italy*, of which we have made mention in the preceding Book. Amongſt the other Monuments of Antiquity, which are preſerv'd in the Archives of the Monaſtery of the Trinity of the Cave of the Order of S. *Benedict*, which next to that of *Monte Caſino* is the moſt ancient we have in the Kingdom; there is a Parchment Code, which with our own Eyes we have carefully obſerv'd, written in *Longobard* Letters, wherein not only the Edicts of the *Longobard* Kings (beginning from this *Rotaris*) but likewiſe of the *French* and *German* Emperors, who were Kings of *Italy*, are inſerted. In this Edict of *Rotaris*, after the Preamble, which is alſo tranſcrib'd by *Sigonius*[8] in his Hiſtory of *Italy*, we read the Titles of each Chapter, and the firſt begins: *Si quis hominum contra animam Regis cogitaverit*; which being ended, the Concluſion of the Edict follows thus, *Præſentis vero Diſpoſitionis noſtræ Edictum*, &c. [1]. After follow the Laws or Chapters, according to the Number of the preceding Titles, and this Edict contains Three hundred and Eighty-ſix Chapters or Laws. The Compiler of the three Books of the *Longobard* Laws, which are now printed in the Volume of *Juſtinian*'s *Novellæ*, took the Laws, of which he compos'd almoſt intirely the firſt and ſecond Books, from the Edict of *Rotaris*; and we read two or three of them in the Third, of which we ſhall diſcourſe more at length, when we come to treat of the Compilation of that Volume of the Laws of the *Longobards*.

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[1] In Decret. Grat. diſt. 13. c. 13. Alteſ. rer. Aquit. lib. 3. c. 14.

[2] Ivo, ep. 280.

[3] Baldum. in Proleg. Comment. in Inſtitut.

[4] Arth. Duck de uſu Jur. Civ. l. 1. c. 5. n. 12.

[5] Conring. de orig. Jur. Ger. cap. 20.

[6] P. Warnefr. lib. 4. cap. 44.

[7] Grot. in Proleg. ad hiſt. Goth.

[8] Sigon. de R. Italiæ, lib. 2. ad A. 643.

THE Example of *Rotaris* was afterwards follow'd by the other *Longobard* Kings his Succeſſors, ſuch as *Grimoaldus*, *Luitprandus*, *Rachis*, and *Aſtolphus*; but of all theſe Kings none left ſo many Laws as *Rotaris*, the Number of them, as we have ſaid, amounting to 386. He caus'd his Edict to be publiſh'd this Year 644, which was the eighth of his Reign, over all the Provinces which were under his Dominion, and eſpecially in the Dukedom of *Beneventum*, which having very much extended its Bounds, was reputed the largeſt and moſt noble Part of the Kingdom of *Italy*.

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[1] The Concluſion of this Edict we likewiſe read in Sigonius loc. cit.

CHAP. VII.

Of AJO *and* RADOALDUS III. *and* IV. *Dukes of* Beneventum.

THE Dukedom of *Beneventum* was govern'd by *Ajo* the Son of *Arechis*, who died in the Year 641, and had aſſociated him in the Government five Months before he died [1]; but the Father being ſenſible of his weak Underſtanding and Incapacity for ſuch a Charge, recommended him on his Death-bed to *Radoaldus* and *Grimoaldus*, both of them Sons of *Giſulphus*, formerly Duke of *Friuli*, and who had been brought up and kept at his Court. Theſe were lov'd by *Arechis* as his own Sons, and whom he had appointed to ſucceed in the Dukedom upon the Failure of *Ajo*. While the Dukedom of *Beneventum* was govern'd by *Ajo*, under the Direction of theſe two Brothers, the *Sclavonians* made their firſt Appearance in theſe our Provinces.

THE *Sclavonians* were originally of the *European Sarmatia*, on both ſides of the *Boryſthenes*; who after the Example and Manner of the other barbarous People, advanced to the Banks of the *Danube*, and paſs'd it under the Empire of *Juſtinian* [2]. Afterwards having fallen upon *Illyricum*, at laſt they poſſeſs'd themſelves of a great Part of it, particularly that which lies betwixt the *Drave* and the *Save* towards the Weſt, call'd to this Day by their Name *Sclavonia*.

THESE falling down from *Dalmatia*, which they had already poſſeſs'd themſelves of, and landing at *Sipontum*, began to ravage our *Puglia*. *Ajo* hearing of the Irruption of the *Sclavonians* into *Puglia*, which had been for the moſt Part join'd to the Dukedom of *Beneventum*, gathered together the beſt way he could, ſome Troops, while *Rodoaldus* was abſent, and went immediately to fight them; but having ingag'd them near the River *Ofanto*, fell into a Ditch, where the *Sclavonians* kill'd him [3].

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[1] Warnefr. lib. 4. cap. 15.

[2] Procop. de Bell. Got.

[3] Cam. Pel. in Diſſert. Duc. Ben. p. 54.

Ajo held the Dukedom of *Beneventum* one Year only, beſides the five Months he reign'd with his Father; but after his Death the *Sclavonians* triumphing on account of the Victory they had gain'd, *Rodoaldus* coming opportunely upon them with a ſtrong Army, and incredible Valour, overthrew and diſperſed them; and after having ſo gallantly reveng'd the Death of *Ajo*, he with his Brother *Grimoaldus*, took Poſſeſſion of the Dukedom of *Beneventum*, according to the Appointment of *Arechis*, who had leſt them to ſucceed himſelf and Son.

THESE two Princes govern'd the Dukedom of *Beneventum* five Years. *Radoaldus* invaded other Provinces belonging to the *Greeks*, and carried his Arms to *Surrentum*, which City he beſieg'd, and endeavour'd to take it by Aſſault; but the *Surrentins*, encourag'd by their Biſhop *Agapitus*, repulſed him; whereupon he rais'd the Siege, and *Surrentum* was freed [1].

WHILE theſe Princes govern'd the Dukedom of *Beneventum*, the new written Laws of the *Longobards* publiſh'd by *Rotaris*, with his abovementioned Edict were known for the firſt Time in theſe Provinces, which now make up our Kingdom: So that the Cities of our Kingdom which were comprehended in that Dukedom, and our People, altho' they had been made ſolely by the *Longobards*, began by Degrees to learn them, and to accuſtom themſelves ſo much to them, that in the ſucceeding Times the *Roman* Laws were forc'd to give way to them, and were only obſerv'd as ancient Cuſtoms by the Commonalty, who are the laſt in leaving off the Laws and Cuſtoms of their Forefathers; as we ſhall ſee anon.

RADOALDUS having died in *Beneventum*, in the Year 647, *Grimoaldus* his Brother continued to govern alone; he held the Dukedom ſixteen Years, without including the five he had reign'd with his Brother.

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Chriſtians, as the Author of the Angelical Apparitions [1], and the unknown Monk of *Caſino* relate [2].

BUT ſeeing theſe Adventures are variouſly reported by Writers, ſome aſcribing to the *Saracens*, what *Paul* imputes to the *Greeks*; while others, by a manifeſt *Anachroniſm*, carry back theſe Events to the Times of *Theodorick* and *Odoacre*, when the *Longobards* were not as yet known in *Italy*; and others with more Truth attribute them to the *Longobards*; therefore it will be neceſſary to ſhew more at large, that it was neither the *Greeks*, *Neapolitans*, nor the *Saracens* who pillag'd that Church, but the *Longobards*; and that the Converſion from *Gentiliſm* to *Catholiciſm* which is attributed to the *Neapolitans*, ought to be aſcrib'd to the *Longobards* of *Beneventum*, and not to thoſe.

MOUNT *Garganus*, ſituated in *Puglia*, above *Sipontum*, over-againſt the *Diomedean* Iſlands, in the Upper Sea, now call'd *Tremiti*, a Name likewiſe very ancient, and made uſe of by *Tacitus* [3], was firſt made famous by *Virgil* and *Horace*; but afterwards, in the Time of Pope *Galeſius* I. was much more renown'd by the miraculous Apparition of *Michael the Archangel* in this Place; and after the *Goths* were driven out of *Italy* in the Reign of the Emperor *Juſtinian*, by Means of *Beliſarius* and *Narſes*, when it was reſtor'd to the Empire of the Eaſt, the Veneration of the *Greeks* for this Saint was incredible. There was not a City either in *Greece* or *Italy*, that did not build Temples, and dedicate Altars to him. *Procopius* [4] relates, that *Juſtinian* in the City of *Conſtantinople* alone, erected many Temples to him, and rebuilt others that were old; whoſe Example the *Greek* Cities in *Italy* follow'd. In *Naples* eſpecially, they had a wonderful Veneration for him; they erected a Temple, which afterwards in the Time of *Gregory the Great*, they dedicated to him after the Rites of the Church of *Rome*; and the ſame Pope makes mention of this Dedication in one of his Epiſtles [5]. The ſame is ſaid of many other *Greek* Emperors, particularly *Heraclius*, who inrich'd that Sanctuary with many valuable and precious Donations: So that 'tis not to be doubted, but the *Neapolitans* being a long time in Conjunction with the *Greeks*, had an equal Veneration for this Archangel; and to impute Infidelity and Idolatry to the *Neapolitans* of theſe Times, is ſo groſs an Error, that the Chronology of the Catholick Biſhops of this City alone, and what is related in the preceding Book, are ſufficient to make it manifeſt, and put it out of all doubt.

ON the contrary, 'tis moſt certain, that when the *Longobards* retook *Italy* from the *Greeks*, they profeſs'd no other Religion but Paganiſm and Arianiſm; and altho' in the Reign of *Agilulfus*, many of the *Longobards*, after the Example of their Prince, had forſaken Arianiſm and Idolatry; yet nevertheleſs the other Kings his Succeſſors perſevering in Arianiſm, was the Occaſion that the *Longobards*, and particularly thoſe of *Beneventum*, return'd anew to their firſt Errors, which they did not altogether abandon until the Year 663, when the Emperor *Conſtans*, by the Means of S. *Barbatus*, Biſhop of *Beneventum*, was defeated; and then it was that they embrac'd the Catholick Religion, as we ſhall ſhew by and by.

AND beſides 'tis moſt evident, that all who conſider attentively the Hiſtory of the *Longobards*, written by *Paul Warnefride*, who was a *Longobard*, will ſee, that he has endeavour'd all he could, as well as all the other Writers of his Nation, to excuſe his Countrymen from the Blemiſh of Infidelity, and the Errors of *Arius*; and rather chuſes, in all the Courſe of his Hiſtory, not ſo much as to ſpeak of the Religion of this People, nor their Converſion to the Catholick Faith by means of S. *Barbatus*, on purpoſe that he might not be oblig'd to mention their old Errors, which *Pellegrinus* very carefully has obſerv'd [6].

SO that there are many Things in his Hiſtory laid to the Charge of the *Greeks*, which were committed by the *Longobards*, which Cardinal *Baronius* likewiſe rightly obſerved [7]: And this very Fact is a moſt clear Document; ſeeing 'tis altogether incredible, that the *Greeks*, who had ſo great a Veneration for that Sanctuary, could ever have had ſo wicked Inclinations, as to think of pillaging it, as he ſays, and thereupon come to Blows with the *Longobards*, who drove them away from committing ſo execrable and ſacrilegious a Crime. We are to believe the Fact was quite otherwiſe, and juſt as *Pellegrinus* [1] deſcribes it, to wit, that the *Longobards* contending with the *Greeks* for the Poſſeſſion of that Place, after a long and obſtinate Battel, at laſt overcame the *Greeks*; and as they had been accuſtom'd to perpetrate ſuch Wickedneſs already, in *Monte Caſino*, under *Zoto*, ſo they deſign'd to commit the ſame in Mount *Garganus*, under *Grimoaldus*, by pillaging that Sanctuary, which being inrich'd by ſundry Donations of the *Greeks*, had allured their Rapacity to commit that Sacrilege. And in effect, from the Acts of S. *Barbatus*, Biſhop of *Beneventum*, which before they were printed, were preſerv'd in the Monaſtery of the Monks of S. *John the Baptiſt*, in the City of *Campania*, and which were afterwards publiſh'd by *Joannes Bollandus* [2], with his Notes, part of which is likewiſe now to be ſeen printed in Octavo, by *Ferdinandus Ughellus* [3], we clearly perceive, that that Cathedral was actually pillag'd at that Time: So far was it from being prevented by the *Longobards* of *Beneventum*, that it remain'd abandon'd and deſolate, *ut nec ſedulum illic Officium perſolvi poſſit*, as S. *Barbatus* ſays. It was not reſtored to its ancient Luſtre till fifteen Years after, when *Conſtans* was driven out by the *Longobards*, who by the Aſſiſtance of *Barbatus* embrac'd the Catholick Religion, and relinquiſh'd their Infidelity; which Converſion the Author of the Acts of the Angelical Apparition, likewiſe a *Longobard*, was alſo pleaſed to apply to the *Neapolitan Greeks*, as we ſhall ſee anon; which will the more confirm what we have now ſaid.

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[1] Acta Angelicæ Apparit. apud Surium, tom. 5. pag. 322.

[2] Hiſtoria ignoti Monaci Caſſin. in Cam. Pel. hiſt. Princ. Long. par. 1. pag. 97.

[3] Tacit. - - - Juliam Auguſti neptem adulterii convictam, projectam abeo fuiſſe inſulam Tremetum haud procul Apulis littoribus, ibique 20 Annis exilium toleraſſe.

[4] Procop. lib. 1. de Ædific. Juſt. Imp.

[5] Epiſt. 15. lib. 7. ind. 2.

[6] Cam. Pel. in diſſert. fines Duc. Benev. ad Septentrionem.

[7] Baron. ad Ann. 585. num. 2.

AND for the ſame Reaſon, they are likewiſe in an Error [4], who would impute to the *Saracens*, that which *Paul Warnefride* relates of the *Greeks*, to wit, that *Grimoaldus* in the ſame Years of his Government had fought on Mount *Garganus* with the *Saracens*, who deſigning to have pillag'd that Sanctuary, were by him defeated, and put to the Rout; for this War was betwixt the *Longobards* and the *Greeks*, as *Warnefride* writes, and not with the *Saracens*, who at that Time had not as yet come to ravage theſe our Provinces; and when they did come, it was not to *Garganus*, where they never fix'd themſelves till the latter Times, but to *Garigliano*, where, *ſua aliquando domicilia habuerunt*, as *Pellegrinus* writes. Neither is it true that the Pillage was prevented, ſo that the Defeat ſaid to be given the *Saracens* by *Grimoaldus*, is equally fabulous with that other, which *Summontes* and others relate they receiv'd in *Naples* by S. *Agnellus* the Abbot, at a time when theſe People were not as yet known in *Italy*; neither had their Name been ſo much as heard of in theſe our Parts.

BUT while the *Longobards* of *Beneventum* are employ'd in theſe Wars with the *Greek Neapolitans*, the fatal Death of King *Rotaris* happen'd in *Pavia*, in the Year 652, who left *Rodoaldus* his only Son his Heir and Succeſſor in the Kingdom, none other of his Male-Line remaining. *Rotaris* govern'd the Kingdom ſixteen Years, with ſo much Prudence and Juſtice, that he was deſervedly eſteem'd one of the moſt illuſtrious Princes in the World; his having left his Subjects at liberty to live in whatever Religion they pleas'd, and his having allow'd in almoſt all the Cities of his Kingdom two Biſhops, the one Catholick, and the other Arian, gave freſh Encouragement to the pernicious Maxim of wicked Politicians, that a Prince ought not to trouble himſelf about the Religion of his Subjects, nor force them to believe and profeſs what he might think the beſt: So that *Bodinus* [5], the Defender of this perverſe Doctrine, to the Example of *Theodoſius the Great*, who he believ'd likewiſe allow'd the ſame Liberty of Conſcience to his Subjects, without minding whether they were Arians or Catholicks, did not forget to add this other of *Rotaris*, who allow'd the ſame. However, we ought not to paſs over this Place without obſerving by the bye, the Error of this Author, who reckon'd *Theodoſius the Great* to have been the Author of that Law [6]; to which, altho' the Name of *Theodoſius the Great*, as well as that of *Valentinian* II. be prefix'd in the *Theodoſian* Code; nevertheleſs all Writers firmly agree, that *Valentinian* was the ſole Author of it, who by the Inſtigation of the Empreſs *Juſtina* his Mother, and the Importunities of the Arian *Goths*, caus'd it to be publiſh'd that Year while he reſided in *Milan*, againſt which S. *Ambroſe* Biſhop of that City ſo much declaim'd; and beſides 'tis known, that altho' at this Time two Emperors govern'd the Empire divided into the Weſtern and Eaſtern; nevertheleſs the Cuſtom was, that the Laws which were publiſh'd by either of them, bore in the Front the Names of all thoſe who then govern'd the Empire; which we yet ſee on the Marbles: And the *Theodoſian* Code itſelf furniſhes us with abundance of other Examples, as was likewiſe obſerv'd by the careful *Jacobus Gotifredus* [1], who challeng'd *Franciſcus Baldovinus* as guilty of the ſame Miſtake, who by reaſon of that Inſcription, likewiſe believ'd that *Theodoſius* was the Author of that Law.

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[1] Camil. Pel. loc. cit.

[2] Bolland. tom. 3. Actor. Santor. 3. Febr.

[3] Ughel. Ital. Sac. tom. 8. de Archiep. Benev.

[4] Ciarlan. of Samnium, lib.

[5] Bodin. de Repub. lib. 4. cap. 7.

[6] L. ult. C. Th. de Fid. Cath.

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[1] Jac. Gothefr. in d. l. ult. & in Prolegom. c. 8.

CHAP. IX.

Of Rodoaldus, Aripertus, Partarites, Gundebertus, VIII. IX. X. *and* XI. *Kings of the* Longobards.

AS the long and prudent Reign of *Rotaris*, render'd the Affairs of the *Longobards* very proſperous in *Italy*, ſo the very ſhort and imprudent Reign of his Son *Rodoaldus*, and eſpecially the Diſcord among his Succeſſors, brought them to a very dangerous Condition. Although *Warnefride* relates, that *Rodoaldus* reign'd five Years, yet he ſcarcely govern'd one alone; for having raviſh'd the Wife of a certain *Longobard*, he was murther'd by the Husband; and amongſt the five Years of his Reign *Paul* reckons up thoſe when he reign'd together with his Father, who had made him his Collegue.

THE Male-Iſſue of *Rotaris* being extinct, the *Longobards* aſſembled in order to chuſe a new King, and elected *Aripertus*, Son of *Gundoaldus*, Brother of *Theodolinda*. He, according to *Warnefride*, reign'd nine Years [1]: In all the Courſe of his Government, Hiſtory makes mention of nothing he did worthy of being recorded, if it was not that he deſerv'd to be prais'd for his being much inclin'd to the Catholick Religion, as was thought, contrary to the Example of *Rotaris* and his Son *Rodoaldus*.

ARIPERTUS died in the Year 661, and left two Sons, *Partarites* and *Gundebertus*, who by bad Advice divided the Kingdom betwixt them. So *Gundebert* fix'd the Seat of his Kingdom in *Pavia*; and *Partarites* his in *Milan*; which furniſh'd *Grimoaldus* our Duke of *Beneventum* with an Opportunity of driving them both from their Seats, and of making himſelf Maſter of all the Kingdom; for Diſſention and great Hatred having ariſen betwixt the two Brothers, each of them ſeeking to poſſeſs the other's Kingdom, *Gundebert*, not ſatisfied with his own Lot, had a mind to have the intire Kingdom, and to drive his Brother from it; but not truſting to his own Strength, he ſent *Garibaldus* Duke of *Turin*, to *Grimoaldus* Duke of *Beneventum*, to invite him to come and aſſiſt him in the Undertaking, promiſing for a Reward to give him his Siſter in Marriage.

BUT the Duke of *Turin* addreſs'd *Grimoaldus* in a quite different Manner, and betraying his Maſter, perſuaded him that he ought not to neglect to take the

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[1] Warnefr. lib. 4. cap. 18.

Advantage of this Diſcord, which was able to put him in Poſſeſſion of the Kingdom: It was no hard Matter to perſuade him; ſo that being ſpurr'd on by a covetous Deſire to reign, he aſſembled ſome Troops the beſt way he could, and leaving *Romualdus* his Son Duke of *Beneventum*, march'd towards *Pavia*. Being arriv'd at *Piacenza*, he diſpatch'd *Garibaldus* to *Gundebert* with Advice of his coming, *Garibaldus* after he had deliver'd his Meſſage, told him beſides, that it was proper he ſhould go and meet the Duke; and if he was ſuſpicious of any Thing, he might put on Armour under the Royal Robes: On the other hand, with unheard-of Treachery, he advertis'd *Grimoaldus* to be aware of *Gundebert*, for he was coming to meet him in Armour. *Grimoaldus* believ'd the Traytor; and what made him give the more Credit to him, was, that after they had met, while they were ſaluting and embracing one another, he felt that *Gundebert* had really Armour on him; ſo that he did not in the leaſt doubt but that all was prepared for murdering him, and in a violent Fury he drew his Sword, run him through, and kill'd him on the Spot, and immediately made himſelf Maſter of the Kingdom. *Gundebert* had at this Time a little Son call'd *Rambertus*, whom his truſty Friends carried off privately, and brought up carefully: *Grimoaldus* was not very ſollicitous about having him in his Cuſtody, becauſe he was yet but a Child.

AS ſoon as *Partarites* heard of this Adventure, in a panick Fear he deſerted his Kingdom, and left his Wife *Rodolinda*, and *Cunipert* his little Son, to ſhift for themſelves; and in great haſte fled to *Cacanus* King of the *Avari* for ſhelter. *Grimoaldus*, having taken *Milan*, confin'd *Rodolinda* and *Cunipert* in *Beneventum*; afterwards he went to *Pavia*, where in the End of the Year 662, he was proclaim'd King by the *Longobards* themſelves; and having married the Siſter of *Gundebert*, to the great Joy of every Body, he ſent back the Army to *Beneventum*, loaded with Preſents, and kept with himſelf only ſome of his moſt truſty Friends, whom he raiſed afterwards to the firſt Honours of the Kingdom.

CHAP. X.

Of Grimoaldus XII. *King of the* Longobards; *of* Romualdus VI. *Duke of* Beneventum; *and of the* Italian *Expedition of* Conſtans *Emperor of the Eaſt.*

WHILE *Grimoaldus* reign'd in *Pavia*, and *Romualdus* his Son in *Beneventum*, with ſo great Contentment, a moſt dangerous and cruel War was hatching againſt them, which put them in danger of being driven from their Dominions. Hitherto the *Greek* Emperors, little mindful of the Affairs of *Italy*, and contenting themſelves with having in it the Exarchate of *Ravenna*, the Dukedom of *Rome*, and thoſe of *Naples*, *Gaeta*, and *Amalphis*, with ſome Cities in *Calabria* and the *Brutii*, had no Thoughts of reſtoring it to their Empire. The Emperor *Heraclius* could ſcarcely keep the *Longobards* within their Bounds, and from intirely driving the *Greeks* out of *Italy*; but he dying in the Month of *May*, in the Year 641, left his Son *Conſtantine* his Succeſſor: *Conſtantinople*, the Seat of the Empire, was at this Time ſo plagu'd with Revolutions, that the Affairs of *Italy* were quite neglected; foraſmuch as *Conſtantine* had been upon the Throne but four, or according to others [1] ſix

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[1] Freher. in Chronol.

Months, when *Martina* his Mother-in-Law caus'd him to be put to Death, to make room for her Son *Heracleon*. But he was turn'd out at the End of ſix Months, and baniſh'd, together with his Mother. *Conſtans* Son of *Conſtantine* ſucceeded him in the Year 642, at which time the Empire of the Eaſt began in ſome meaſure to breathe. This Prince was ſo intent upon reuniting *Italy* to the Empire of the Eaſt, that he reckon'd himſelf unworthy of ſwaying the Scepter of that Empire, if he did not altogether drive the *Longobards* out of *Italy*; and he was ſo bent on putting this Deſign in Execution, that not content with ſending thither his Captains for that Undertaking, he would needs come in Perſon to theſe our Provinces, and put himſelf at the Head of his Army, leaving his Seat of *Conſtantinople* to ſhift for itſelf: A new Thing truly, which had never happen'd before, this being the firſt time that an Emperor of the Eaſt had been ſeen to go to *Italy* and to *Rome*. The Oddneſs and Novelty of which Fact gave occaſion for much Speculation, in order to diſcover the Intent and Reaſons of ſuch a Movement.

SOME believ'd, that he having moſt treacherouſly murther'd *Theodore* his own Brother, who had often terrified him in hideous and frightful Shapes, and being tortur'd with ſuch ugly Viſions, had contriv'd Means for leaving that City, and thoſe Places which had become ſo odious and fatal to him [1]. Others attributed this Departure to the Hatred which the *Conſtantinopolitans* bore him, for his having embrac'd the Hereſy of the *Monothelites*; and that therefore he intended to remove the Seat of the Empire to *Rome*. But the moſt judicious Authors, among which are, *Anaſtaſius Bibliothecarius* and *Warnefride* [2], ſay, that he was moved on no other Account, but out of a Deſire to recover *Italy*, and the Hopes of being able to drive the *Longobards* out of that Country with his own Forces; therefore in the Spring of the Year 663, he prepared a great Fleet, and departed from *Conſtantinople*, directing his Courſe for *Tarentum*. Many Cities of theſe our Provinces, which at preſent make our Kingdom, in the Reign of *Conſtans* were ſtill under the Dominion of the *Greeks*; who beſides the Dukedom of *Naples*, and other leſſer Dukedoms, had likewiſe many other Maritime Cities in *Calabria*, ſuch as *Tarentum*, that had not as yet been poſſeſs'd by the *Longobards* of *Beneventum*. *Conſtans* being arrived in this City, and having landed his Troops, whom the *Neapolitans* afterwards join'd, directed his March towards *Beneventum*. This unexpected Appearance of the *Greeks*, at firſt put the *Beneventans* into ſuch a Conſternation and Fright, that they deſerted many Cities of *Puglia*; ſo that with ſmall Reſiſtance *Conſtans* took and deſtroy'd *Lucera*, a City not far from *Sipontum*; but he could not take *Acerenza* by reaſon of its ſtrong Situation; and not willing to conſume much Time, went immediately and pitch'd his Camp under *Beneventum*, and laid cloſe Siege to it.

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[1] Sigon. de R. Ital. ad A - - -.

[2] Warn. lib. 5. cap. 4.

SECT. I.

Of Romualdus VI. *Duke of* Beneventum.

R*OMUALDUS* Duke of *Beneventum* ſeeing himſelf in this Condition, immediately diſpatch'd *Geſualdus* his Ambaſſador, to King *Grimoaldus* his Father in *Pavia*, to beg of him to ſend him powerful Aſſiſtance; and in the mean time, tho' the City was often aſſaulted by the *Greeks*, yet the *Beneventan Longobards* ſtill repulſed them, and ſometimes they likewiſe attack'd the *Greeks* in their Lodgments by frequent Sallies, and routed and did them conſiderable Damage every where; the Labours of *Barbatus*, now a Prieſt, and afterwards their Biſhop, contributed not a little to the Defence of this City; who often inveighing againſt them, and declaring, that they were puniſh'd with the Calamities of ſo cruel a War, becauſe that ſome of them had not as yet forſaken the Superſtition of the *Gentiles*, and others of them *Arianiſm*; wrought ſo far upon them, that he brought them to renounce their Idolatry, and to implore the Divine Aſſiſtance, and the Protection of the Saints, in order to be freed from the Calamities that were hanging over them. But while *Conſtans* was at this Siege, behold, King *Grimoaldus* comes in Perſon with a powerful Army for the Relief of his Son; and in the mean time ſends *Geſualdus* to adviſe him of it, and bid him take Courage, for that he would very ſoon relieve him. But this unlucky Man being arriv'd at the Enemies Camp, while he was endeavouring to throw himſelf into the beſieged City, was taken, and carried before the Emperor *Conſtans*; who underſtanding that *Grimoaldus* was on his March with a ſtrong Army in order to relieve his Son, and that he was already very near, was greatly perplex'd; and being reſolv'd to raiſe the Siege, he try'd, becauſe he could do it ſafely, and by that means reap ſome honourable Conditions of Peace, to get *Geſualdus* to declare the Succeſs of his Embaſſy to *Romualdus* quite contrary to what it was; therefore having caus'd him to be brought under the Walls, he compell'd him to call to *Romualdus*, and tell him, that it was not poſſible his Father could come to his Relief; but *Geſualdus*, with undaunted Courage, ſeeing *Romualdus* upon the Wall, with a loud Voice, that all the *Greeks* that were preſent might likewiſe hear, ſaid to him: *Continue ſtedfaſt, and be of good Courage, my Lord; know, that your Father is near at hand with a powerful Army in order to relieve you, and this Night he will reach the River* Sangro. *I earneſtly recommend to you my dear Wife and Children, becauſe I am certain that theſe raſcally* Greeks *will put me to Death immediately*[1]. *Conſtans* being highly incenſed at this generous and bold Action, inſtantly caus'd his Head to be cut off, and with the Machine for throwing Stones, threw it within the Walls. Duke *Romualdus* took it up, and moſt affectionately kiſſing it, bathed it with Tears; thus did he honour the ſingular Vertue and Love of his faithful Friend, and beſides gave him a ſumptuous and noble Burial.

THE Emperor therefore afraid of the coming of *Grimoaldus*, rais'd the Siege, and while he was marching in a great hurry towards his City of *Naples*, Count *Mitula* of *Capua*, gave his Army a great Overthrow on his way at the River *Calore*, which much afflicted him; and after his Arrival at *Naples*, with a Deſign to go from thence to *Rome*, *Saburrus* having repreſented to him, which encourag'd him in the Undertaking, that if he would leave with him Twenty thouſand Soldiers under his Command, he would engage to ſubdue all the *Longobards*, and gain a compleat Victory; *Conſtans* granted his Requeſt, and left him at the Paſs of *Formia*, which is now ſaid to be *Caſtellone*, or *Mola di Gaeta*, where he could at leaſt keep the Enemy in Awe, while the Emperor ſhould go to *Rome*. The Army of *Saburrus* was made up of *Greeks* and *Neapolitans*, People who had always been Rivals, and implacable Enemies of the *Beneventans*, and with whom they always had had cruel and obſtinate Wars. *Grimoaldus* being arrived at *Beneventum*, when he heard of the Braggings of *Saburrus*, and the Deſigns of the *Greeks*, was for going himſelf in Perſon to fight him; but being intreated by *Romualdus* his Son, to commit that Undertaking to him, for that he had Courage enough to engage him; he conſented, and gave him a Part of his Army. *Romualdus* encountred the Enemies Army with wonderful Intrepidity; and while they were fighting boldly, and the Victory as yet very doubtful, a *Longobard* named *Amelongus*, who was wont to carry the Launce before the King, boldly ſtruck with the ſame Launce a *Greek* Horſeman, with ſo much Strength and Fury, that lifting him from the Saddle, he rais'd him up high in the Air, and threw him Headlong on the Ground. Such a valorous Action ſtruck ſo much Terror and Aſtoniſhment into the *Greeks*, that they baſely abandon'd the Field, and fled, and the *Longobards* purſuing them, made a moſt cruel Slaughter, and obtain'd a compleat Victory. *Romualdus* full of Joy return'd triumphantly to *Beneventum*, where he was receiv'd by his Father and the *Beneventans* with great Applauſe, as the Deliverer of his native Country, and was honour'd and prais'd by the State. In the mean time *Conſtans*, when he ſaw all his Labour loſt, and himſelf left without any hopes of defeating the *Longobards*, that his coming to *Italy* might not ſeem altogether in vain, full of Rage, deſign'd to go to *Rome*, where altho' he was receiv'd with many Marks of Reſpect and Veneration by *Vitalianus* the *Roman* Pontiff, yet all the twelve Days he remain'd there, he minded nothing elſe but plundering it of the richeſt Ornaments he could find, taking what was moſt valuable of Gold, Silver, Braſs and Marble, which he caus'd to be put on board his Ships, in order to carry them to *Conſtantinople*; he himſelf return'd by Land to *Naples*, and from thence to *Rhegium*, where his Army was for the third Time defeated by the *Beneventans*: From thence he went to *Sicily*; where having continued ſome time, in the Year 668. he was miſerably kill'd in the Bath by his own Men [1] in *Syracuſe*; and the ineſtimable Plunder and Riches which he had gathered together in *Rome*, and other Places, fell into the Hands of the *Saracens*, and were carried to *Alexandria*, and not to *Conſtantinople*.

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[1] Warnefr. lib. 5. cap. 4.

SUCH was the fatal Iſſue of this Expedition of *Conſtans*, both with reſpect to the *Greeks* and himſelf, who by undertaking to reſtore *Italy* to his Empire, render'd the Affairs of the *Longobards* more proſperous: An Expedition as unfortunate to the *Greeks*, who were very near quite driven out of *Italy*, as it was fortunate and proſperous to the *Longobards*, who being more firmly eſtabliſh'd in their Dominion, were intent on nothing afterwards but expelling the *Greeks* from thoſe Cities which as yet they had Poſſeſſion of. By theſe famous Victories, *Romualdus* ſo much inlarg'd the Dukedom of *Beneventum*, that having driven the *Greeks* from *Bari*, *Tarentum*, *Brunduſium*, and all the other Places of *Calabria*, which at preſent go by the Name of *Terra d'Otranto*, he confin'd them to the ſmall Dukedoms of *Naples*, and *Amalphis*, and to *Otranto*, *Gallipoli*, *Gaeta*, and ſome other Maritime Cities of the *Brutii*, which we now call the *Further Calabria*.

THESE were the remarkable Defeats, which, as the Hiſtorians of thoſe Times relate, were given the *Neapolitans* by the *Beneventans*; about the ſame Time it was, that by the Labour of S. *Barbatus* the *Longobards* of *Beneventum* renounc'd Idolatry and Superſtition, and heartily embrac'd the Catholick Religion. Which Converſion *Warnefride*, and the Writer of the Acts of the Angelical Apparition in Mount *Garganus*, both of them *Longobards*, moſt induſtriouſly conceal; that by ſo doing they may not diſcover, that hitherto the *Longobards* had continu'd Heathen, and that they had charg'd the *Neapolitans* with what the *Longobards* did, tho' the *Neapolitans*, as we have ſeen, had a great Regard both for the Catholick Faith, and the Sanctuary of Mount *Garganus*, of which there can be no better Proof than the Acts of S. *Barbatus* himſelf, now publiſh'd by *Bolandus* and *Ughellus* [2], for after *Barbatus* had perſuaded the Duke of *Beneventum*, and the *Longobards*, that their having eſcap'd ſo many Calamities, was the Work of God and S. *Michael the Archangel*, they forſook all Heatheniſh Rites, and embracing the Catholick Religion, choſe him Biſhop of that City; and the Duke having offered him many and rich Donations, the holy Biſhop refuſed them, and at the ſame Time perſuaded *Romualdus* that theſe Donations would be better beſtow'd on the Cathedral of Mount *Garganus*, which by its being lately pillaged, had been neglected, and leſs frequented; and that his Example would inſtill into his *Longobards* a Veneration for the Place, and make it to be more frequented; and he likewiſe deſired that the Duke would annex to his See of *Beneventum*, all that depended on the Biſhoprick of *Sipontum*, becauſe theſe Places at preſent uncultivated, being put under his Care, could be better kept and look'd after, to which *Grimoaldus* conſented; whence it is, that from the Time of Pope *Vitalianus*, the Biſhoprick of *Sipontum*, and the Care of the Cathedral of Mount *Garganus* did belong to the See of *Beneventum*, as is manifeſt from ſome Letters of Pope *Vitalianus* directed to the ſame *Barbatus*, related by *Marius Vipera*, in the firſt Book of his Chronology of the Biſhops and Archbiſhops of *Beneventum*: So that afterwards in the ſucceeding Times, the Churches of *Sipontum* and Mount *Garganus* were long ſubject to the Biſhops of *Beneventum*, until the Principality of *Beneventum* being in a declining Condition, *Sipontum* got its Archbiſhop reſtored; under whoſe Care theſe Churches abſolutely return'd, as we ſhall ſhew more at length, when we come to treat of the Eccleſiaſtical Polity of theſe Times.

ON this Account, the Veneration which the *Longobards* had for this Sanctuary grew greater, inſomuch that they acknowledg'd the Saint for their Protector; and as the *Subalpine Longobards* had for their Protector the Forerunner of Chriſt, ſo thoſe of *Spoletium* had S. *Sabinus* Biſhop and Martyr; and our *Longobards* on this Side of the *Tyber*, had *Michael the Archangel* [3]: So that all the Victories which the *Longobards* gain'd after this Time over the *Neapolitans*, which were many, as well as this which happen'd on the eighth of *May*, the Day of the Angelical Apparition, were attributed to the Interceſſion of this their Protector [4]: Whence likewiſe the

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[1] P. Pagi de Conſulib. pag. 348.

[2] Boland. loc. cit. Ughel. tom. 9. Ital. Sacr. loc. cit.

[3] P. Warnefr. lib. 4. c. 5. Cam. Pel. Diſſ. de Duc. Ben.

[4] Hiſt. Ignoti Monaci Caſſin. apud Cam. Pel. par. 1. hiſt. Princ. Longobard.

Error of thoſe is manifeſt, who being ignorant of theſe Facts, carry back theſe Events to the Time of *Theodorick the Oſtrogoth*; and being now convinced that before theſe Times the *Neapolitans* were Catholick, would have what is ſaid of the Heathen *Neapolitans* to be underſtood of the *Vandals*, who were then join'd with the *Neapolitans* againſt the *Goths*.

SECT. II.

The coming of the Bulgarians; *and the Origin of the* Italian *Language.*

BUT to return to King *Grimoaldus*, whom we left in *Beneventum*; this Prince ſeeing the Affairs of the *Greeks* at ſuch a low Ebb, after having rewarded *Mitola* by making him Count of *Capua*, and given him his Daughter to Wife beſides; on the Death of *Zoto* likewiſe made him Duke of *Spoletium*, and kept his Court at *Pavia*. While he was there intent on puniſhing the Rebellion of *Lupus* Duke of *Friuli*, *Alczecus* Duke of the *Bulgarians* came to him [1], who having forſaken his own Country, for what Reaſon is not known, enter'd peaceably into *Italy* with his *Bulgarians*, and offered his Service to *Grimoaldus*, intimating at the ſame time, that he was willing to live with his People in any Place of his Dominions he ſhould be pleaſ'd to appoint. The *Bulgarians* had come from that Part of the *Aſiatick Sarmatia* which is waſh'd with the River *Volga*; and after having traverſ'd all thoſe vaſt Countries which reach from that River to the Mouths of the *Danube*, they paſs'd it for the firſt time in the Reign of the Emperor *Anaſtaſius*, and made great Havock in *Thrace* and *Illyricum*, and ſettled themſelves at laſt along the *Danube*, in that Tract of Country which comprehends the two *Myſias*, with the leſſer *Scythia*, which is now called *Bulgaria* from the Name of theſe People.

THE King receiv'd him very graciouſly, thinking he would be of great Uſe and Aſſiſtance to his Son againſt the *Greeks*, and ſent him to *Romualdus* in *Beneventum*, whom he order'd to give him ſome Places in the Dukedom of *Beneventum*, for himſelf and People to live in. Duke *Romualdus* gave him a kind Reception, and allotted to him and his People many fine Cities in that Dukedom, to wit, *Sepinum*, *Bajanum*, and *Iſernia*, with other Cities and Territories in the Neighbourhood; but he would have him to lay aſide the Title of Duke (for he had not given him thoſe Places in Seignory and Property) and for the future call himſelf *Gaſtaldus*, perhaps he thought it was not fit, ſeeing he had no other Title himſelf but that of Duke, that one of his Subjects ſhould have the ſame Title; whence it came to paſs, that the Dukedom of *Beneventum* being divided into many Counties, all ſubject to the Duke of *Beneventum*, they who were appointed to govern them, had no other Title but that of *Comites* or *Gaſtaldi*, and they held theſe Places, as *Cujacius* ſays, *Jure Gaſtaldiæ, non perpetuo, proprioque Feudi jure* [2].

THUS in the Year 667, a new Nation of *Bulgarians* was brought into our Kingdom; a People who for many Ages inhabited that Country which we now call *Contado di Moliſe*; and altho', more than a Hundred and fifty Years after, when *Warnefride* wrote his Hiſtory, they had learned our common *Italian* Language, nevertheleſs, they had not then loſt the Uſe of their own, as he relates in the fifth Book of the Actions of the *Longobards*, Article 11.; in which Place what he writes is worthy of Obſervation, that in his time the *Bulgarians* retain'd their own Language, tho' they likewiſe ſpoke a ſort of *Latin*, *Quamvis etiam Latinè loquantur*, which we are not to underſtand, as ſome have done [3], that they ſpoke *Roman Latin*, which about the End of the ninth Century, when *Warnefride* wrote, was generally forgotten and diſus'd, and was only made uſe of in Writings, but very much corrupted, and the Variety, Mixture, and Confuſion of ſo many foreign Languages with the *Latin*, had given Riſe to another new and vulgar Language which was then current in *Italy*, and call'd the *Italian*.

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[1] P. Warnefr. lib. 5. cap. 11.

[2] Cujac. lib. 1. de Feud. tit. 1. §. 3.

[3] Ciarlant. of Samnium and others.

'TIS not to be doubted in the leaſt, but that at this Time the *Italian* Language had got footing, and was much in uſe, it being more ancient than ſome believe. *Fornerius* atteſts [1], that in the Time of the Emperor *Juſtinian* there had been an Inſtrument drawn up in *Ravenna*, *Conceptum eo fere Sermone, quo nunc vulgus Italiæ utitur. Conſtantinus Porphyrogenitus* alſo in his Time, about the Year 910, calls *Beneventum* and *Venice*, *Citta Nova* [2]. The Author of the Acts of *Alexander* III. as Cardinal *Baronius* has it [3], relating the reproachful Language given by the *Roman* Women to *Octavianus* the Antipope, ſays, that they called him *Lingua Vulgari : Smanta Campagno.* Afterwards in the Time of *Frederick* II. it was moſt common, and become already old : Not to mention *Ramittus* of *Calabria*, who, as *Richard* of *S. Germano* relates [4], went about crying, *Benedittu, laudatu e ſantificatu lu Patre : Benedittu laudatu e ſantificatu lu fillu : Benedittu laudatu e ſantificatu lu Spiritu ſantu* ; nor the ſame *Frederick*, nor *Eutius* his Baſtard Son, nor *Pietro delle Vigne*, nor many others of that Age, we read of many Compoſitions written in the *Italian* Language.

THIS Language, by the Writers of this, and likewiſe of the following Centuries, was alſo call'd *Latin*, for it was commonly ſpoke even by the ancient Provincials (whoſe Language before the Corruption was the ancient *Latin*) who were call'd *Latins*, or *Romans*, in order to diſtinguiſh them, either from the *Greeks*, or *Longobards*, or other Nations that came into *Italy* ; whence not only *Paul Warnefride*, but Writers much later than he, by the vulgar or common *Latin*, underſtand the vulgar or common *Italian*. So *Otho Friſingenſis* [5] commends the *Longobards* of his Time, who were then become *Italians*, for the Elegancy of the *Latin* Language, that is to ſay, the *Italian*, which they ſpoke not only well, but alſo readily. At this Time our *Italian* Idiom paſs'd under no other Name but that of the vulgar *Latin* ; it was call'd ſo in the End of the firſt Chapter of *Ser Brunettus* : So likewiſe thoſe who ſpoke not the ancient *Latin*, but our *Italian* Dialect, by *Dante Alighieri*, *Petrarcha* [6], and *Boccaccio* [7] are ſaid, *Latine loqui*, as the moſt exact *Pellegrinus* nicely obſerves [8].

AND from this Reſidence, which various Nations had in many Parts of this our Kingdom, has riſen the ſo great Diverſity of Language which we obſerve in theſe our Provinces, altho' they all ſpoke a ſort of *Italian* ; for tho' the *Bulgarians* had liv'd many Ages in theſe Cities, and in proceſs of Time had become *Italians*, and left off their own Language, and learn'd the Vulgar ; nevertheleſs the Mixture of two Nations in the ſame Place, occaſion'd that the *Italian*, tho' ſuperior, became ſomewhat corrupted ; and beſides the new Words of that ſtrange Nation, retain'd likewiſe a foreign Twang or Accent. So likewiſe in other Parts of our Kingdom, ſuch as *Samnium* and *Aprutium*, where the *Longobards* continued longeſt, beſides Words, they left an Impreſſion different from the common *Italian* Language : And in thoſe Countries where the *Greeks* were long ſettled, as in ſome Cities of *Calabria*, and particularly in *Naples*, they retain to this Day a great deal of the Tone of their Language, as alſo many of their Words ; and there are ſome who have been at the Pains to collect a long Catalogue of them, as *Capaccius* [9] did of the *Greek* Words which the *Neapolitans* make uſe of in their common Diſcourſe at this Day. The Novelty and Variety of foreign Nations who invaded the Kingdom, did not end here, but one Nation ſucceeded another at different Times, and in different Countries of it ; from whence ſprung the ſo many various and ſtrange Mixtures which we ſee at this Time.

EVEN the *Arabians* or *Saracens* left us their Share ; theſe fixed themſelves firſt in *Garigliano* ; from thence diſperſing themſelves over *Calabria*, *Puglia*, and *Pozzuolo*, left ſeveral Words among us ; for Example, *Meſchino*, *Magazino*, *Maſchera*, *Gibel*, which ſignifies a Hill ; whence *Ætna*, by way of Excellency, is called *Gibel*, and corruptly *Mongibello*, repeating the ſame Thing twice, not to mention other Examples. And ſome have written, that it was the *Arabians* who firſt taught the *Sicilians*, and afterwards the other *Italians*, as alſo the *Spaniards*, to rhime ; and *Thomas Canpanella*, in order to confirm that, brings a *Sclavonian* Song for a Teſtimony, wherein the ſame is affirm'd, and which he was wont to repeat by Heart; from whom afterwards the other Provinces of *Europe* learn'd it, and at laſt it reach'd *Germany*, as may be ſeen in that Poem, or rhiming Verſes of *Otphridus*, who liv'd in the Time of *Lewis the Pious*, whom *Antonius Matthæus* [1] believes to be the moſt ancient Writer the *Germans* now pretend to: Beſides, as we ſhall ſee in the following Books of this Hiſtory, it was from the *Arabians*, and none elſe, that we had Philoſophy, Phyſick, Mathematicks, and other Learning, which for many Ages have been taught in our Schools.

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[1] For. in Notis. ad Caſſ. lib. 10. cap. 7.

[2] Conſtant. de Admin. Imp. cap. 27, & 28.

[3] Baron. An. lib. 12. an. 1154.

[4] Ric. in Chron. an. 1232.

[5] Otho Friſing. de Geſt. Fred. lib. 2. c. 13.

[6] Petrar. in Trionfo d'Amore, cap. 2. and elſewhere.

[7] Boccac. Novel. 2. Giorn. 5.

[8] Camill. Pell. in Diſſ. de Duc. Ben.

[9] Capac. in Foraſtier. cap. 1. num. 10.

BUT the *Normans*, the *Suevi*, the *French*, the *Spaniards*, the *Albani* (and who not?) ſucceeding the *Longobards*, *Greeks*, and *Saracens*, tho' all our Provinces retain'd the ſame *Italian* Language, occaſion'd that Diverſity and Mixture which we at preſent ſee, and is the more ſurprizing, that there is not the leaſt Part whatſoever in the Kingdom, that either in the Terms, the Accent, and often in the Words, does not differ, and is diſtinguiſh'd from the reſt; but enough of this, and perhaps we ſhall have occaſion to touch on it elſewhere.

[1] Anton. Mathæus de Criminibus ad L. Juliam Majeſt.

SECT. III.

The Laws of Grimoaldus, *and his Death.*

MEAN while *Grimoaldus* freed from all Suſpicion and warlike Cares, in the ſixth Year of his Reign, was altogether intent on the Arts of Peace, and to ſecure the Quiet of his Dominions by new Laws. The Laws of *Rotaris* during the Space of Twenty-four Years that they had been publiſh'd, had taken deep Root in *Italy*; not only the *Longobards*, for whom they had been made, began to conform themſelves to them, but likewiſe the Natives, tho' the Uſe of the *Roman* Laws had never been forbid them: But in proceſs of Time, as commonly happens, it was obſerv'd, that theſe were not ſufficient for every Thing that was neceſſary, and many of them when they came to be made uſe of, and put in Practice, ſeem'd ſomething harſh and grievous [1]; whence *Grimoaldus*, a moſt prudent Prince, deſirous to reform in Part the Edict of *Rotaris*, and to add to it other Laws, which ſeem'd to him more uſeful: Having aſſembled his *Longobards* and their Judges, according to their Cuſtom, in the Year 668, which was the ſixth of his Reign, added other Laws to the Edict of *Rotaris*, and reform'd thoſe already made, and publiſh'd a new Edict with this Preamble; *Superiore pagina hujus Edicti legitur, quod adhuc annuente Domino memorare poterimus, de ſingulis Cauſis, quæ præſenti non eſſent adfictæ in hoc Edicto adjungere debeamus, ita ut cauſæ, quæ judicatæ & finitæ ſunt, non revolvantur. Ideo ego Grimoaldus vir excellentiſſimus, Rex Gentis Longobardorum, Anno Deo propitio, ſexto Regni mei, menſe Julio, Indictione undecima, per ſuggeſtionem Judicum, omniumque conſenſum, quæ illis dura, & impia in hoc Edicto viſa ſunt, ad meliorem ſenſum revocare prævidimus* [2].

THIS Edict of *Grimoaldus* is to be found in the abovementioned Code of the Monaſtery of the Cave, after that of *Rotaris*, and is contain'd in eleven Chapters, the Titles of which are theſe, I. *Si quis hominum nolendo occiderit.* II. *Ut cauſæ finitæ non revolvantur.* III. *De ſervo, qui 30 annos ſervivit.* IV. *De 30 annorum libertate.* V. *De culpa ſervorum.* VI. *De 30 annorum poſſeſſione.* VII. *De ſucceſſione Nepotum.* VIII. *De Uxoribus dimittendis.* IX. *De Crimine uxoris.* X. *Si mulier, aut Puella ſuper alia ad maritum intraverit.* XI. *Si ancilla furtum fecerit.*

THE Compiler of the three Books of the Laws of the *Longobards*, inſerted likewiſe ſome of theſe Laws of *Grimoaldus* in the firſt and ſecond Book, to the Number of Seven. We read the firſt in the firſt Book, under the Title *de Furtis, & ſervis*

[1] P. Warnefr. lib. 5. cap. 12.

[2] We read in Codice Cavenſe; and in the Body of the Laws of the Longobards, Salick and German, &c. of the Baſil Edition in the Year 1557. and in Sigonius de Reg. Ital. lib. 2. ad Anno 668.

Fugacibus; the ſecond under the Title *de culpis Servorum*; the third in the ſecond Book under the Title *de Eo, qui uxorem ſuam dimiſerit*; three others in the ſame Book under the Title *de Præſcription.*; and the ſeventh in the ſame ſecond Book under the Title *Qualiter quiſque ſe defendere debeat*.

AFTER *Grimoaldus* had ſo well perform'd the Part of an excellent Prince, by a moſt ſurprizing Accident he was ſnatch'd away by Death; for having been blooded in one of his Arms, nine Days after, when with all his Strength he was bending a Bow, the Vein opened again, and all Means poſſible were uſed for cloſing it, but to no purpoſe; being drain'd of Blood, he died in the ninth Year of his Reign, which fell out in the Year 672. of Man's Redemption. *Grimoaldus* was endued with all ſingular Vertues, and by his Prudence and courteous Deportment was exalted to the Throne: A Prince, who by his Piety left a commendable and worthy Example for his People to follow; for tho' he had been born and brought up in the Arian Hereſy, by the Aſſiſtance of *John* Biſhop of *Bergamo*, a Man of ſingular Goodneſs and Learning, he forſook it, and embrac'd the Catholick Religion; not content with that, he repaired many Churches, and rebuilt others, amongſt which that dedicated to *Alexander*, in the Iſland of *Dulcheria* was famous, and the other in *Pavia* to the holy Biſhop *Ambroſe* [1]. And his Example was ſo prevalent, that the Kings his Succeſſors were all Catholicks, and Arianiſm was forſaken by all the *Longobards* in *Italy*.

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[1] Sigon. de R. Ital. ad A. 672.

CHAP. XI.

Of Garibaldus, Pertarites, Cunipertes, *and other Kings and Dukes of* Beneventum, *down to* Luitprandus.

GRIMOALDUS left, beſides *Romualdus* who reign'd in *Beneventum*, another little Son nam'd *Garibaldus*, to whom on his Death-bed he left the Kingdom. *Romualdus* Duke of *Beneventum* was not advanc'd to the Royal Throne, tho' the Eldeſt, becauſe he was reputed a Baſtard. But *Garibaldus* did not long enjoy it, for he had ſcarcely mounted the Throne, when *Pertarites*, who had been baniſh'd into *France*, hearing of the Death of *Grimoaldus*, came immediately into *Italy*, where being receiv'd with incredible Joy by a great Multitude of *Longobards*, he preſently went to *Pavia*; from whence *Garibaldus*, after a Reign of three Months from the Death of his Father, was expell'd, and *Pertarites* plac'd on the Throne by the *Longobards*; and having recall'd his Wife *Rodolinda*, and *Cunipertus* his Son, who had been long in Exile in *Beneventum*, he govern'd the Kingdom afterwards with ſo much Peace and Juſtice, that no Violence, Robbery, or Treaſon was heard of during his Reign.

THIS Prince in the Year 680, aſſociated *Cunipertus* his Son with himſelf in the Kingdom, and *Pertarites* at laſt dying in the Year 690, he continued to govern alone: However his Peace and Quiet was ſomewhat interrupted by *Alahis* Duke of *Trent*, who invaded the Kingdom; but he was ſoon expell'd, and *Cunipertus* continu'd to govern the Realm with the former wonted Quiet. *Cunipertus* died in the Year 703, leaving for Succeſſor in the Kingdom *Luitpertus* his only Son, yet an Infant, therefore he left him under the Care of *Aſprandus*, a Man of noble

Birth. *Cunipertus*, as *Warnefride* ſays, was a Prince of ſingular and wonderful Beauty, of moſt ſweet Manners, and uncommon Courage, and a Catholick of rare Piety, ſo that the Kingdom of the *Longobards* had never been ſeen hitherto in ſo much Peace and Tranquillity as in his Reign, and that of *Pertarites* his Father.

SECT. I.

Of Grimoaldus II. Giſulphus I. Romualdus II. Adelai, Gregorius, Godeſcalcus, Giſulphus II. *and* Luitprandus, *Dukes of* Beneventum.

IN the mean time, *Romualdus* dying in the Year 677, was ſucceeded by *Grimoaldus* II. his Son, to whom he left the Dukedom much greater, having inlarged it with the Conqueſt of *Taranto*, *Brunduſium*, *Bari*, and all the Country round about, which he had taken from the Emperor of the Eaſt. But *Grimoaldus* injoy'd the Dukedom not quite three Years; during which Time, together with his Brother *Giſulphus*, he had govern'd it, and dying, left him alone in the Dukedom.

GISULPHUS held the Dukedom of *Beneventum*, reckoning the three Years which he reign'd with his Brother *Grimoaldus*, ſeventeen Years; and he began to govern it alone about the End of the Year 680, according to the Computation of *Pellegrinus*, and laid waſte the *Campanina Romana*.

BUT *Giſulphus* dying in the Year 694, was ſucceeded in the Dukedom by *Romualdus* II. his Son, and while he govern'd *Beneventum* the Monaſtery of *Caſino* was reſtor'd to its ancient Luſtre by *Pertonax*. The Government of *Romualdus* was of a pretty long duration, having laſted twenty-ſix Years, during which Time he much vexed the *Neapolitans*, from whom he took *Cuma*; but they, at the Inſtigation of Pope *Gregory* II. making War under their Duke *John*, very ſoon retook it, and made great Havock of the *Longobards* [1].

TO *Romualdus*, in the Year 720, *Adelai* ſucceeded, who govern'd only two Years. To him ſucceeded *Gregory*, who held the Dukedom ſeven Years, and dying in the Year 729, was ſucceeded in the Dukedom by *Godeſcalcus*, who rul'd it ſomewhat leſs than four Years.

GISULPHUS II. of that Name ſucceeded in the Year 732, who to make amends for the Pillage of *Zoto*, inrich'd the Monaſtery of *Monte Caſino* with many Poſſeſſions and large Donations; ſuch Places and Lands of the Eſtate of S. *Germano* were given to it at this Time; and that at length being increas'd with other Donations, it became ſo rich, that the Abbots being Lords of many Vaſſals, roſe to ſuch a Height, that they kept Troops in their own Pay.

GISULPHUS govern'd the Dukedom of *Beneventum* ſeventeen Years; a Prince of great Piety, and moſt munificent to the Churches, to which he was profuſe in his Gifts, and built many, amongſt which that of S. *Sophia* was famous, which he rais'd in *Beneventum* from the Foundation. He died in the Year 744, and his Succeſſor was *Luitprandus* the laſt Duke of *Beneventum*. He held the Dukedom eight Years and three Months; and after his Death, in the Year 758, *Arechis* his Son-in-Law was ſubſtituted in his Room by the Barons of *Beneventum*, and King *Deſiderius*: Who, when the Kingdom of the *Longobards* was extinguiſh'd by *Charles the Great*, firſt chang'd the Dukedom of *Beneventum* into a Principality, and introducing a new Polity, filled his Dominion with many Counts, and *Caſtellains* or *Gaſtaldi*; and laying aſide the Title of Duke, took that of Prince, and cauſing himſelf to be anointed by his Biſhops, aſſumed the Crown, Scepter, the Purple Garment, and all the other Enſigns of Royalty; whoſe notable Exploits will furniſh us with abundance of Matter in the ſixth Book of this Hiſtory.

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[1] Jo. Diacon. apud Ughell. de Epiſc. Neap. pag. 86.

SECT. II.

Of Luitpertus, Ragumbertus, Aripertus II. *and* Aſprandus *Kings of the* Longobards.

IN the mean time *Ragumbertus* had ſucceeded *Luitpertus*, who had reign'd only eight Months in the Kingdom of *Italy*. He was Duke of *Turin*, and Son of *Gudebertus*, who left him very young when he was kill'd by King *Grimoaldus*. He invaded the Kingdom in the Minority of *Luitpertus*, and at laſt drove him from the Throne.

TO *Ragumbertus*, who died the ſame Year, *Aripertus* II. of that Name, his Son, ſucceeded, of whom 'tis ſaid, that he confirm'd the Patrimony of the *Alpes Cottiæ* to the Church of *Rome*; but he was afterwards chaſed away and kill'd by *Aſprandus*, who took Poſſeſſion of the Kingdom; and he likewiſe dying after three Months, left it to *Luitprandus* his Son, in whoſe Time were hatch'd thoſe Miſchiefs, which not long after were the Occaſion of the transferring the Kingdom of *Italy* from the *Longobards* to the *French*; whence ſprung the Beginning of the Temporal Dominion of the Popes in *Italy*, and ſo many and ſtrange Changes happen'd in theſe our Provinces, that for the Novelty and Importance of the Events, after we ſhall have related the Eccleſiaſtical Polity of theſe Times, deſerve to be reported in the following Book of this Hiſtory.

CHAP. XII.

Of the Exterior Eccleſiaſtical Polity in the Kingdom of the Longobards, *from* Autaris *down to King* Luitprandus; *and in the Empire of the* Greeks, *from* Juſtin II. *down to* Leo Iſauricus.

HOW great ſoever the Progreſs of the Patriarchs of *Conſtantinople* had been in theſe Times in the Eaſt, nevertheleſs they had not as yet extended their Patriarchal Authority over theſe our Provinces; although by Degrees, being upheld by the Favour of the Emperors, they began to lay Claim to ſome Churches of thoſe Cities which were yet under the *Greek* Empire. The firſt Step they took was, by giving the Biſhops the Title of Archbiſhops, which not being a Title of Power, ſuch as Metropolitan, but only of Dignity, it was very eaſy for a ſimple Biſhop to obtain it, and for the Patriarchs of the Eaſt to give it: So we read, that from the Reign of the Emperor *Phocas*, who govern'd the Empire from the Year 602. to 610, the Patriarchs of *Conſtantinople* began, according to the wonted Pride of the *Greeks*, to give many of the Biſhops of our Cities which were under their Subjection, that ſpecious Title of Archbiſhop, ſuch as thoſe of *Otranto*, *Bari*, and afterwards alſo to the

Biſhop of *Naples* [1], to the great Indignation of the Popes. Theſe were the firſt Steps they took in theſe our Parts; but in the Eaſt, by reaſon that the other Patriarchal Cities were poſſeſſed by the Barbarians, and the three Patriarchs laid aſide, ſo that there could not be a continued Succeſſion preſerv'd, the Patriarch of *Conſtantinople* became more haughty and arrogant: Whence *Joannes Jejunator*, who was elected Patriarch of *Conſtantinople* in the Year 585, during the Empire of *Mauritius*, took the vain-glorious Title of *Oecumenical Patriarch*.

BUT on the other hand, the Progreſs of the Patriarch of *Rome* was no leſs in the Weſt, that he might withſtand ſo much Pride, and counterballance ſo great Power. And the Chair of *Rome* was at this Time much exalted above all others, on account of the Sanctity and Doctrine of *Gregory the Great*, who ſat in it in the Year 590. This Pope maintain'd the Prerogatives and Rights of his See, and made his Authority to be reſpected over all the Weſt; he oppos'd the Patriarch *John*, and did not approve of the pompous Title of *Oecumenical Patriarch* of *Conſtantinople*, as being Ambitious, and which tended to the Diminution of the Power and Juriſdiction of other Biſhops; ſo that he was the firſt who call'd and ſubſcrib'd himſelf *Servus Servorum Dei*, in Oppoſition to the vain-glorious Title of *Oecumenical Patriarch* of *Conſtantinople*. [2]

FOR which purpoſe he endeavour'd to keep in Favour with the Emperors of the Eaſt, whoſe Subject he profeſs'd himſelf to be [3], *Rome* being under thoſe Princes; and that he might deſerve well of them, he always oppos'd the Power of the *Longobards*, by not only taking Care for the Defence of that City, but of all the reſt, and particularly of *Naples*, in order to maintain the Dominion of the Emperors of the Eaſt in *Italy*, and to counterballance the Power of the *Longobards*, who aim'd at the univerſal Monarchy of all *Italy*, and driving the *Greeks* intirely out of it: Therefore he reliev'd the People by his great Liberality; and when the *Longobards* pillag'd *Croton*, and carried the Citizens into Captivity, he apply'd himſelf ſo ſtrenuouſly, that by his good Offices he got them ranſom'd. And he took a ſpecial Care of the Churches of *Italy*, *Sicily*, and of theſe our Provinces, which as formerly acknowledged no other Patriarch but him, and the other Popes his Succeſſors. So we ſee, that in the Ordination of Biſhops in *Sicily*, *Naples*, *Capua*, *Miſenum*, *Beneventum*, *Puglia*, *Calabria*, *Lucania*, and *Aprutium*, recourſe was had to him, and any Diſputes that aroſe about Elections were decided by him. He likewiſe applied himſelf wholly to the Affairs of the Univerſal Church, and he not only took Pains to extinguiſh the Diviſion which was in the Church, betwixt the *Latins* and the *Greeks*, but alſo to extirpate the Schiſm of the *Donatiſts* out of *Africa*; and he ſent *Auguſtin* the Monk into *England*, in order to convert thoſe People. He left no Stone unturn'd, that by the Means of *Theodolinda*, the *Longobards*, by forſaking their Idolatry and Arianiſm, might embrace the Catholick Faith: Nevertheleſs he forbid the uſing of Violence to oblige the *Jews* to turn Chriſtians. And above all, he was intent on keeping up the Church Diſcipline, and the abſolute Obſervation of the Canons in all the Churches, holding it for certain, that the Power and Authority which the Primacy of his See gave him, made the moſt ſhining Figure by theſe Means.

THE Succeſſors of *Gregory* took the ſame Meaſures; for although he died in the Year 604, and was ſucceeded by *Sabinian*, who held the See only five Months, and twenty-one Days; yet *Boniface* III. his Succeſſor, who had been a long time Nuncio with the Emperor *Phocas*, Succeſſor of *Mauritius*, by his Prudence had found Means ſo to inſinuate himſelf into his Favour, that if we may give Credit to *Anaſtaſius*, *Bede*, *Warnefride*, and many other Authors, when the Patriarchs of *Conſtantinople* claim'd the Primacy over all the Churches, he obtain'd a Reſcript from *Phocas*, in which it was declared, That the Church of *Rome* ought to have the Primacy over all the Churches, and that the Biſhop of *Rome* alone ought to have the Title of *Oecumenical Patriarch*; which 'tis ſaid the Emperor *Phocas* did in Odium of *Ciriacus* Patriarch of *Conſtantinople*, who had ſucceeded *Joannes Jejunator* in the Year 596, and died ſoon after.

BONIFACE IV. who ſucceeded the Third, found Means likewiſe to keep in Favour with the Emperor, and oppos'd the *Longobards*, ſo that he got the Temple of *Phaeton* in *Rome*, from *Phocas*, in order to make a Church of it, which he did, and which, from its Figure is now call'd the *Rotunda.* All his Succeſſors took the ſame Meaſures, and Pope *Vitalian*, when the Emperor *Conſtans* came to *Rome* in the Year 663, receiv'd him with great Marks of Eſteem and Reſpect: All the other Popes did the ſame, who continued firm in their Obedience to the Emperors of the Eaſt, againſt the *Longobards*, until *Leo Iſauricus*, who, by defending the Error of the *Iconoclaſts*, againſt the Authority of *Gregory* II. and III. put all in Confuſion, as we ſhall ſee in the following Book of this Hiſtory.

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[1] Paul. Warnefr. Ughel. de Epiſ. Hydruntin. Beatil. hiſt. de Bari.

[2] Epiſt. Greg. M. lib. 4. ep. 80.

[3] Lib. 2. ep. 62.

ON the other hand the *Longobards*, tho' for the moſt part Idolaters, and ſome of them Arians, did not diſturb the Peace of our Churches; and as they found them at firſt under the Care of the Popes, ſo they ſuffered them to continue. King *Autaris* about the Year 587, forſook Paganiſm, and embrac'd the Chriſtian Religion; but after the Example of the *Gothiſh* Kings, he receiv'd it polluted with the *Arian* Hereſy. The *Longobards* following the Example of their King did the ſame, and made no Alteration in the Religion of the Provincials; whence there were ſeen in ſome Cities of *Italy* two Biſhops, the one Arian, who had the Inſpection of the converted *Longobards*; the other Catholick, who govern'd the Catholick Churches of the Provincials: However our Provinces were free of that Deformity; for thoſe which continued ſubject to the Emperors of the Eaſt were all Catholick; the reſt which were brought under the Dominion of the *Longobards*, kept the ſame Religion intire, which the *Goths*, and eſpecially the great King *Theodorick*, had left them; in which King *Autaris*, and the other Kings his Succeſſors perſever'd. To all this was afterwards added the Piety of Queen *Theodolinda*, a moſt Religious and Catholick Lady, who, tho' ſhe had not the deſir'd Succeſs in getting her firſt Husband *Autaris* perſuaded to relinquiſh Arianiſm, yet ſuch was the Influence ſhe had upon her ſecond *Agilulfus*, on account of the great Obligations he ow'd her, that ſhe perſuaded him to embrace the Catholick Religion; whence it was that *S. Gregory the Great* acknowledg'd himſelf ſo much oblig'd to that Princeſs, to whom he dedicated his four Books of the Lives of the Saints[1]; and we read many affectionate Letters of his, full of Encomiums and Praiſes, directed to this Queen[2]: Whence many *Longobards*, following the Example of their Prince, became likewiſe Catholicks; whereupon many Churches and Monaſteries were built in the Reign of *Agilulfus*[3], to which many Lands were given, and the Biſhops, who formerly had been deſpis'd in the Cities of the *Longobards*, were now comforted and much reſpected. And tho' in the Reign of *Ariovaldus*, a perfidious Arian, who ſucceeded *Agilulfus*, that Peace was diſturb'd which *Agilulfus* had ſettled, nevertheleſs, *Rotaris* afterwards aſcending the Throne, a Prince tho' an Arian, of a peaceable Diſpoſition, and who allow'd the Provincials, as well as the *Longobards*, to enjoy what Religion they pleaſed beſt, Things return'd to the former Peace and Tranquillity, which was ſtill more confirm'd in the Reign of *Aripertus*, who was very favourably inclin'd to the Catholick Religion.

BUT afterwards our *Longobards* on this Side of the *Tyber* were the firſt that relinquiſh'd Arianiſm altogether, the Praiſe of which was owing to two illuſtrious Biſhops, *Barbatus* of *Beneventum*, and *Decoroſus* of *Capua*. *Barbatus*, after the Defeat which the *Beneventan Longobards*, under their Duke *Romualdus*, gave the *Greeks*, purg'd that Nation not only of Idolatry, but likewiſe of Arianiſm, and they became all Catholicks; the ſame happen'd to the *Capuan Longobards* by *Decoroſus* their Biſhop: So that in all theſe Provinces which had been ſubjected to their Dominion, Arianiſm was quite aboliſh'd by the *Longobards* themſelves. Altho' the Eaſt frequently produc'd Hereſies and Errors concerning Doctrine, whence theſe Churches had no good Agreement with our Weſtern, and eſpecially at this Time on account of the Hereſy of the *Monothelites*; nevertheleſs the Vigilance of the Popes, under whoſe Care and Government the Churches of the Provinces yet ſubject to the *Greeks* ſtill continued, was ſuch, that they were not polluted with theſe Errors.

BUT not long after, what happily fell out to our *Longobards* on this Side of the *Tyber*, under *Romualdus* Duke of *Beneventum*, happen'd to the *Subalbini Longobards*, under *Grimoaldus* King of *Italy*: This Prince becoming Catholick, ſo much favour'd the Churches, and had ſo great an Averſion to the Doctrine of the Arians, that he intirely aboliſh'd Arianiſm over all *Italy*. This gave Riſe to the Riches of the Churches; whence likewiſe proceeded the Depravation of Manners of the greateſt Part of Chriſtians, and the Decay of Eccleſiaſtical Diſcipline.

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[1] P. Warnefr. lib.

[2] Greg. M. lib. 3. ep. 4. & 33. lib. 7. ep. 42.

[3] P. Warnefr. lib.

THESE *Longobard* Princes, after the Example of all the other Princes of the Weſt, and of the Emperors of the Eaſt, altho' they had become Chriſtians, nevertheleſs with regard to the exterior Eccleſiaſtical Polity, kept up the ſame Prerogatives and Pre-eminence in their Dominions, that the *Gothiſh* Kings had done; and though the Popes made their own Authority to be regarded in the Weſt, yet the Princes, and eſpecially thoſe of *France* and *Spain*, had a mind, amongſt other Things, by their Laws and Edicts to give Force to the Provincial Synods, which were very frequent in this Century, and conven'd by their Order, for redreſſing of Grievances, and the corrupt Diſcipline and Irregularities of Eccleſiaſticks. Likewiſe the Emperors of the Eaſt, not only follow'd the Footſteps of their Predeceſſors, but concern'd themſelves much in the Affairs of Religion, the Popes not being able to make that Reſiſtance they would willingly have done. The Emperor *Mauritius* treading in the ſame Footſteps of the other Emperors his Predeceſſors, publiſh'd Laws forbidding Soldiers to be receiv'd into Monaſteries: S. *Gregory* [1] complain'd of the Law, but did not impugn the Power of the Lawgiver; and with much Caution repreſented, that it was unjuſt, and againſt the Service of God, to hinder Men from chuſing the Way to greater Perfection. *Maurentius* our Duke of *Naples*, oblig'd the Monks to ſtand Centinel for guarding the City, and quarter'd the Troops every where, not even ſparing the Nunneries, of which this Pope likewiſe complain'd [2].

MOREOVER the Emperors of the Eaſt appointed the Dioceſſes, and the Metropolis's, regulated the Sees and Precedencies, and augmented and diminiſh'd the Prerogatives of the Metropolitans at their Pleaſure. And our Dukes of *Beneventum* did the ſame in their large Dukedom: At the Requeſt of *Barbatus* Biſhop of that City, Duke *Romualdus* united the Biſhoprick of *Sipontum* to that of *Beneventum*; ſee the Requeſt of *Barbatus* to *Romualdus*, as we read it in his Acts: *Si munus*, ſays he, *tuæ ſalutis offerre Studes, unum impende beneficium, ut B. Michaelis Archangeli domus, quæ in Gargano ſita eſt, & omnia, quæ ſub ditione Sipontini Epiſcopatus ſunt, ad ſedem Beatiſſimæ Genitricis Dei, ubi nunc indigne præſum, in omnibus ſubdas; & quoniam abſque cultoribus omnia depravantur, unde nec ſedulum Officium perſolvi poteſt melius a nobis diſpoſita tibi proficient in Salutem.* *Romualdus* granted his Requeſt, and gave him a *Diploma* for it: *Illico Princeps viri Dei conſentit petitionibus, eo ordine, ut fati ſumus, & ſicut mos eſt, per Præceptum Genetrici Dei univerſa conceſſit, & ut reſonet in futurum, Anathematizaverat, qui contra hæc agens irritam hanc facere voluerit Conceſſionem.* *Barbatus* wanted likewiſe to have the Pope *Vitalianus* to conſent to it, becauſe it was the Buſineſs of the *Roman* Pontiffs (to whom *Samnium* and *Puglia*, as *Suburbicarian* Provinces, belong'd) to unite and ſeparate their Churches, as had been often practis'd by Pope *Gregory*, who in the Year 592, join'd the Church of *Cuma* to that of *Miſenus* [3], which Union was of ſhort Duration; and the ſame was practis'd in other *Suburbicarian* Provinces. For we read in *Vipera* and *Ughellus* [4], the Brief of *Vitalianus* directed to Biſhop *Barbatus*, wherein amongſt other Things we find this; *Concedentes tibi, tuæque præfatæ Reverendiſſimæ Beneventanenſi Eccleſiæ, Bibinum, Aſculum, Larinum, & Eccleſiam Sancti Michaelis Archangeli in Gargano, pariterque Sipontinam Eccleſiam, quæ in magna inopia, & paupertate eſſe videtur, & abſque cultoribus, & Eccleſiaſticis Officiis nunc cernitur eſſe depravata, cum omnibus quidem eorum pertinentiis, & omnibus prædiis cum Eccleſiis, &c.* Therefore ſince this Time of Pope *Vitalianus*, the Church of *Sipontum* has been united to that of *Beneventum*, and the Biſhops of *Beneventum* call'd themſelves likewiſe Biſhops of *Sipontum*, until theſe Churches were again ſeparated.

THEREFORE, the Eccleſiaſtical Polity was not alter'd, either in the Provinces which were brought under the Dominion of the *Longobards*, or thoſe which remain'd under the *Greeks*; but every Thing with reſpect to that was preſerv'd in the ſame Form in which it had been under the *Gothiſh* Kings of *Italy*, and under *Juſtinian* and *Juſtin* Emperors of the Eaſt.

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[1] S. Greg. epiſt. 62. lib. 11.

[2] Greg. lib. 7. ep. 74. & 107. Camil. Pel. fines Duc. Ben. ad Merid.

[3] Ughel. de Epiſc. Camanis.

[4] Ibid. de Epiſc. Benev.

SECT.

SECT. I.

The Election of Biſhops, and their Diſpoſition in the Cities of theſe our Provinces.

THE Biſhops were ſtill elected by the Clergy and People, and ordain'd by the Popes as formerly; but the Princes, as if ſuch Power had been devolved upon them by the People, would have the greateſt Share in the Elections, whence it came, that by their Means ſome being elected, who had neither Merit, Learning, nor Capacity, the Churches were ill govern'd. In the Regiſter of the Letters of S. *Gregory* we read, that this Pope exerciſing both his Metropolitan and Patriarchal Authority in theſe our Provinces, not only ordain'd thoſe elected by the Clergy and People, but alſo regulated the Elections, decided the Controverſies which aroſe, and often depriv'd the Biſhops of their Sees, when he found them unworthy. Thus we read of the Biſhops of *Naples*, that in the Year 590, while *Demetrius* fill'd that Chair, he, for his many and heinous Crimes was depoſed by *Gregory* the following Year; who after he had depoſed him, wrote to the Clergy and the Orders of that City, to wit, to the Nobles and People, that in the Room of *Demetrius* they ſhould chuſe another; and in the mean Time he ſent Biſhop *Paul* to govern that Church, until they ſhould chuſe a Succeſſor. The *Neapolitans* were ſo well pleas'd with *Paul*, that they wrote to the Pope, intreating him that he would give them him for their Biſhop: *Gregory* took Time to conſider; and in the mean while, *Paul* being in the Caſtle of *Lucullus*, which is now call'd *Uovo*, and having receiv'd an Affront from ſome Servants belonging to a *Neapolitan* Lady, named *Clementia*, intreated *Gregory* that he would allow him to return to his Church; whereupon the *Neapolitans* not agreeing amongſt themſelves in the Election of one of their Citizens, and perceiving that *Paul* would not accept, elected *Florentius* the Pope's Subdeacon, who was then in *Naples*; but he refuſing the Charge, ſoon made his Eſcape, and fled to *Rome*; ſo that *Gregory* wrote [1] to *Scholaſticus* Duke of *Naples*, exhorting him to aſſemble the Nobles and the People of the City, in order to elect another Perſon; and after the Election to ſend the Decree to *Rome*, that he might ordain the Perſon elected: Adding beſides, that ſeeing they had twice elected Strangers, if they could not find amongſt the Citizens a Perſon fit for ſuch a Charge, at leaſt they ſhould chuſe three prudent and virtuous Men, to whom all the Orders were to give their Power, and ſend them to *Rome* as Repreſentatives of the City, that together with the Pope, they might conſult and order Matters ſo, as at laſt to find a Perſon of unſpotted Life, and approve of him, that the Pope might ordain and ſend him to the vacant Church.

GREGORY wrote ſuch another Letter [2] to *Peter* Subdeacon of *Campania*, who had the Charge of St. *Peter*'s Patrimony in that Province, whom he injoin'd to cauſe the Clergy of the Church of *Naples* to be aſſembled, and to order them to chuſe two or three of their Number, to whom they ſhould give full Power, and ſend them to *Rome*; where being join'd to the other Repreſentatives of the Nobility and People, they might treat about the Election and Ordination of the new Biſhop.

THIS Election was call'd *per Compromiſſum*, which was wont to be practis'd in Caſes of Diviſion and Diſagreement, that ſo by uniting their Minds and Suffrages in two or three prudent Perſons, in order to ſhun Confuſion and Diſputes, theſe might elect him whom they thought the moſt deſerving and capable [3]. In this manner *Fortunatus* was elected at laſt by the Arbitrators in *Rome*, in the Month of *June*, in the Year 593; and being ordain'd by the Pope, came to *Naples*, where he was moſt lovingly receiv'd by the *Neapolitans* his Children, and he govern'd that Church for many Years with ſo much Prudence and Care, that he was highly commended by *Gregory*; whence we read many of his Letters directed to this Biſhop [4].

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[1] Ep. Greg. apud Chioc. de Epiſc. Neap.

[2] Ep. apud Chioc. loc. cit.

[3] Fr. Florens ad tit. de Elect. & El. pot. tit. 4. p. 175. & ſeq. Jo. a Coſta in Sum. add. tit. Ant. Mattheus man. ad jus Can. lib. 1. tit. 12.

[4] Ep. Greg. apud Chioc. loc. cit.

FORTUNATUS dying, there aroſe new Diſputes about a Succeſſor; and the Suffrages being divided, the Clergy and People elected two Biſhops; one Party elected *John* the Deacon; the other *Peter*, likewiſe a Deacon. Immediately they had their recourſe to Pope *Gregory*, that of the two he might chuſe him whom he ſhould eſteem the moſt worthy, and confirm and ordain him. But none of them pleas'd him: *John* was remarkable for Incontinency, having a Daughter who was a Teſtimony of his Weakneſs; *Peter* as an Uſurer, and of a weak Underſtanding, was reckon'd unworthy, and not fit; whereupon he wrote back to the *Neapolitans* to chuſe others, which they afterwards did [1].

WE ſee the ſame Method practis'd in the Elections of the Biſhops of *Capua*, *Cuma*, *Miſenus*, *Beneventum*, *Salernum*, *Aprutium*, and of all the other Churches in theſe our Provinces, which as *Suburbicarian* belong'd to the Pope: *Palermo*, likewiſe *Meſſina*, and all the other Churches of that Iſland, *Sicily* being alſo a *Suburbicarian* Province, obſerv'd the ſame Rule.

THE Election, according to the Direction of the Canons, ought to fall upon one who was of the ſame Church, or who (according to the Language of this Time) was incardinated into it, and not of other Churches; but when the Citizens could not find a fit Perſon amongſt themſelves, which ſeldom happen'd, then in that caſe they had recourſe to Strangers, who were eminent either for their Piety, Prudence, or Learning: So we read, that *Gregory*, when a Biſhop of *Capua* was to be elected, the *Capuans* diſagreeing in the Election, and ſome of them naming Strangers, proteſting, that there were none of the Natives worthy, anſwer'd, that it appear'd very ſtrange to him, and that in the mean Time they ought to make a more narrow Scrutiny among their Citizens, and if truly there was not one fit Perſon found among them, then he would furniſh them with one.

BY the Death of *Liberius* Biſhop of *Cuma*, which fell out in the Year 592, this ſame Pope ſent *Benenatus* Biſhop of *Miſenus* to govern it until a Succeſſor ſhould be elected. The People of *Cuma* diſagreed in the Election, ſome deſigning to elect a Perſon of another Church; but *Gregory* made *Benenatus* to underſtand, that he ſhould not allow a Stranger to be elected, unleſs it appeared that there was not a Perſon amongſt the Inhabitants of *Cuma* fit to be rais'd to that Dignity.

THE ſame was practis'd in the Election of the Biſhop of *Palermo*. By the Death of *Victor* that Church had remain'd vacant: S. *Gregory* immediately ſent thither *Barbatus* Biſhop of *Beneventum* to govern it until there ſhould be a Succeſſor elected [2]. The *Palermitans* diſagreeing in the Election of a Native, thought of electing a Stranger; *Gregory* oppos'd them, and would not allow a Perſon of another Church to be elected, *Niſi fortè inter Clericos ipſius Civitatis nullus ad Epiſcopatum dignus, quod evenire non credimus, poterit inveniri.*

IN ſuch manner were the Elections of Biſhops, when the ancient Diſcipline of the Church, and what the holy Canons preſcribe, were regarded. Thus likewiſe by the Clergy and People, ought the Election of the Biſhop of *Rome* to have been: They had not the Emperors of the Eaſt to obſtruct them in it. But already in theſe Times the Princes had begun to uſurp the Rights of the People and Clergy in theſe Elections; whether out of Fear or Complaiſance, the Perſon who pleaſed the Prince was often elected. The Emperors of the Eaſt, as Maſters of *Rome*, had a great Hand in the Election of the Popes, who were their Subjects, and there was a Cuſtom introduc'd, that without their Mandate none could be ordain'd; whence the Elected was oblig'd to ſend to *Conſtantinople* to aſk the Conſent and Permiſſion of the Emperor [3]. *Paul Warnefride* writes [4], that after the Death of *Benedictus Bonoſus*, *Pelagius* II. was exalted to that Chair in the Year 577, when *Rome* was ſo cloſely beſieg'd by the *Longobards*, that none could go out of it, and *Pelagius* could not ſend to the Emperor in *Conſtantinople* to obtain his Conſent, whereupon he was ordain'd Pope without the Mandate of the Prince; afterwards when the Obſtacles were remov'd, the Popes were wont to ſend Letters to the Emperors, in which they gave Account of the Impediments they had had, and begg'd to be excus'd, and to have their Ordination confirm'd. S. *Gregory the Great* being elected Pope, and refuſing to accept of it, wrote to the Emperor *Mauritius*, earneſtly intreating him that he would not give his Conſent to the Election; but the Emperor was ſo well pleas'd with it, that he deny'd his Requeſt [1].

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[1] Epiſt. Gregor. apud Chioc. loc. cit.

[2] Ibidem.

[3] Anaſt. Biblioth. in Vigilio. Id. in Pelag. II.

[4] Warnefr. lib. 3. cap. 10.

IN our Provinces the Princes likewiſe would have their Share in the Election of the Biſhops of their Cities: So it happen'd in the Year 663, when, by the Means of Duke *Romualdus*, *Barbatus* was elected Biſhop of *Beneventum*.

WE alſo read the ſame of the *Neapolitan* Biſhops, and particularly of Biſhop *Sergius*, who by the Death of *Laurentius*, was exalted to that See by *John* Duke of *Naples*; but theſe Caſes happen'd to be out of the Rule. The Diſcipline was, that as the Election belong'd to the Clergy and People, ſo the Ordination to the Pope.

THE Diſpoſition of Biſhops in theſe our Provinces was the ſame as in the preceding Centuries: And with regard to their Authority and Juriſdiction, their Power of taking Cognizance was reſtricted as formerly to Eccleſiaſtical Cauſes, wherein they proceeded by way of Cenſure; they had no compleat Juſtice, nor Tribunals, nor Magiſtrates, and their Cognizance extended no further than what *Juſtinian* had given them in his *Novellæ* [2]. As to Honour and Power, it was the ſame, and confin'd to the ſame Bounds. In the Cities they were only Biſhops, none of them having as yet acquir'd the Authority of Metropolitans; neither had they Suffragan Biſhops under, and depending upon them, but every Biſhop govern'd his own Church, and the People committed to his Charge. The Patriarchs of *Conſtantinople* had not as yet invaded our Churches, ſo as to be able to make any of them a Metropolis, and advance their Biſhops to be Metropolitans, and ſubject them to the See of *Conſtantinople*, as they did in the Empire of *Leo Iſauricus*, and of the other Emperors of the Eaſt his Succeſſors; only, as we have ſaid, ſome Biſhops of the Cities ſubject to the *Greek* Empire, began, according to the Vanity of the *Greeks*, to be honour'd with the Title of Archbiſhop, which highly offended the Popes, who rebuk'd thoſe Biſhops ſeverely that accepted of it [3].

SOME have believ'd, that the Biſhop of *Naples* before S. *Gregory the Great*, or at leaſt by this Pope, was rais'd to the Honours of Metropolitan and Archbiſhop. They prove it from this Inſcription which we read in the Decretal [4], under the Title *de Statu Monac.* where, *Gregorius Archiepiſcopo Neapolis*; and under the other *de Religioſis Domibus*, where, *Gregorius Victori Archiep. Neap.* But who does not ſee the manifeſt Incorrectneſs of the vulgar Code? for in the correct Copies the firſt is read thus, *Gregorius Fortunato Epiſcopo Neapolitano*, as *Gonſales* likewiſe read it [5]; and the ſecond, *Gregorius Victori Neapolis Epiſcopo*: Beſides, that in the Regiſter of the Letters of S. *Gregory*, acknowledged and corrected in *Rome*, from which this Text is ſaid to be tranſcrib'd, this Title is not to be found; neither is this Decretal to be ſeen amongſt the Letters of S. *Gregory*, which is ſaid to be directed to *Victor*. Whence our moſt accurate Writers, ſuch as *Caracciolus* [6], and *Chioccarelli* [7], with good Reaſon blam'd this their Belief, and they bring back the raiſing of this See to be a Metropolis to later Times.

OTHERS have grounded their Opinions upon the Diſpoſition of theſe our Provinces under the Pontificate of *Gregory*, that in theſe Times *Naples* was made a Metropolis. *Naples*, ſay they, had in thoſe Times its own Duke; the other Cities had their Counts and Governors. A Duke, according to the Polity of the Empire, preſided over many Cities in the Province of which the Dukedom was compos'd. A Count preſided over one City only; whence in the Laws of the *Weſtrogoths*, 'tis ſaid Duke of a Province, and Count of a City; and *Fortunatus* ſays to Count *Sigoaldus*,

Qui modo dat Comitis, det tibi Jura Ducis.

REGULARLY the Dukes had twelve Cities under them, and thoſe Cities were call'd Counties; whence a Duke govern'd twelve Counts, as *Petrus Pictus* obſerv'd from that Place of *Aimoinus*: *Pipinus domum reverſus, Griſonem more Ducum duodecim Comitatibus donavit*, as does alſo *Camillus Pellegrinus* [8], from the many Examples which we read in *Gregory of Tours* in his Appendix: Whence *Durandus* obſerv'd, that by adapting the Polity of the Church to that of the

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[1] Jo. Diac. vita S. Greg. lib. 1. cap. 39, 40.

[2] Novell. 83, & 123.

[3] Chioc. de Epiſc. Neap. Anno 730.

[4] Cap. 1. de Statu Monac.

[5] Gonſales d. cap. 1. & de Relig. domib.

[6] Carac. de Sacr. Eccl. Neap. Monum.

[7] Chioc. de Epiſ. Neap.

[8] Pellegr. in Diſſert. de Duc. Benev.

Empire, the Ducal Cities had Archbiſhops, and thoſe of Counts had Biſhops, the Archbiſhops anſwering to Dukes, as the Biſhops to Counts. Thus *Naples* being made a Ducal City at this Time, tho' its Dukedom was not of ſuch Extent as afterwards, as comprehending only the neighbouring Cities about *Cratere*, ſuch as *Pompei*, *Herculaneum*, *Acerra*, *Nola*, *Pozzuolo*, *Cuma*, *Miſenus*, *Baja*, and *Iſchia*, might have been a Metropolis, and its Biſhop a Metropolitan.

BUT as 'tis true, that in proceſs of Time, the Polity of theſe our Churches, was by degrees adapted to the Diſpoſition or Polity of the Empire, as we ſhall ſee in the following Centuries; nevertheleſs, in the Times we are now treating of, the Eccleſiaſtical Polity was not adapted to the Diſpoſition of the Dukedoms, either of the *Longobards* or *Greeks*; and the Diſpoſition of our Churches, and of thoſe of *Italy* was quite different: So that 'tis a fallacious Argument to give Archbiſhops to the Ducal Cities. Could there be ſeen in thoſe Times a more conſpicuous and eminent City in theſe our Provinces than *Beneventum*, the Head of ſo large a Dukedom, that it comprehended many Provinces, and was the Seat of the Dukes of *Beneventum?* and yet its Biſhop was neither Metropolitan nor Archbiſhop, but acquir'd that Prerogative long after, to wit, in the Year 969, in the Pontificate of *John* XIII. as we ſhall ſhew. *Spoletium*, the Head of another famous Dukedom, had no Archbiſhop. *Breſcia*, *Trent*, and other Cities of *Lombardy*, honour'd by the *Longobard* Princes with the Titles of Dukedoms, had not their Archbiſhops in this Century, but long after; and *Breſcia* and *Spoletium* never had any. *Gaeta* likewiſe had its Duke, but never an Archbiſhop. *Capua*, *Bari*, *Rhegium*, *Salernum* conſpicuous Cities, and many other of theſe Provinces which were ſubject to the *Greeks*, had not their Metropolitans from the Popes before the tenth Century, and others much later; altho' the Patriarchs of *Conſtantinople* diſpos'd of them otherwiſe, as we ſhall relate in the following Books. *Naples* then, as the ſame *P. Caracciolus*, and others of our Writers confeſs, was not made a Metropolis in theſe Times. It was honour'd with this Dignity in the tenth Century, in the Pontificate of *John* XIII. after *Capua* and *Beneventum*, as ſhall be told in its Place: All the other Churches of theſe our Provinces had not as yet obtain'd that Prerogative; they were only Biſhops who preſided over Cities, how great and famous ſoever they might be, and Seats of Dukes. However, 'tis true, that in proceſs of Time ſome Cities riſing to be Heads and Metropolis's of Dukedoms, or Principalities, and the Popes beginning in the tenth Century to exerciſe new Patriarchal Privileges in theſe our Provinces, by raiſing Biſhops to be Metropolitans, and ſending them the *Pallium*; the Polity and Eccleſiaſtical Diſpoſition began to be adapted and anſwerable to the Polity of the Empire.

'TIS likewiſe true, that from theſe Times the Foundations of a new Polity, as well of the Empire as of the Prieſthood, began to be laid. Thus we ſee in theſe Times the Churches of *Sipontum*, *Bovinum*, *Aſcoli*, and *Larinum* annexed to the Biſhoprick of *Beneventum*: Thoſe of *Cuma*, *Miſenus*, and *Baja*, join'd to the Biſhop of *Naples*; not that the Biſhops of theſe Cities acknowledg'd him for their Metropolitan; but in Honour of the Ducal City, as their Metropolis, in what concern'd the Polity of the Empire, they allow'd him the chief Honours, for he was look'd upon to be the firſt Biſhop of that Dukedom. In proceſs of Time, beſides the Dukedoms of *Beneventum* and *Naples*, the Dukedoms of *Capua* and *Salernum* ſprung up, which with that of *Beneventum* were exalted afterwards to be Principalities. *Amalphis* and *Surrentum* had likewiſe their Dukes, and were erected into Dukedoms. *Bari* had likewiſe its Duke. Some Cities of *Puglia* and *Calabria*, of the *Brutii*, and *Lucania*, being alſo made Heads and Metropolis's of theſe Provinces, became more famous than the reſt; whence, conformable to the Polity of the Empire, they receiv'd Metropolitans, and the Biſhops of the leſſer Cities of theſe Provinces became their Suffragans: Whence it came to paſs, that the more their Dukedom or Province was extended, the more Suffragans they had; for which Reaſon, ſeeing the Dukedom of *Beneventum* extended its Bounds more than all the reſt, its Archbiſhop had ſo many Suffragan Biſhops, that to this Day he has a much a greater Number than any of the other Metropolitans; whence alſo it has happen'd, that the Principality of *Salernum*, having likewiſe inlarged its Bounds, tho' not ſo much as *Beneventum*, its Archbiſhop retain'd many Suffragans; and that of *Capua* for the ſame Reaſon likewiſe had very many. And on the contrary, the Dukedoms of *Naples*, *Surrentum*, and *Amalphis*, as being but very ſmall, had not ſo great a Number of Suffragan

Biſhops, as the Metropolitans of the other Cities of theſe our Provinces; as we ſhall obſerve when we come to treat of their Eccleſiaſtical Polity in the latter Times.

SUCH then was the Diſpoſition and Eccleſiaſtical Hierarchy of theſe our Provinces in this Age, to wit, the Pope, as both Metropolitan and Patriarch: Biſhops, Prieſts, Deacons, Subdeacons, who were already at this Time tied down to Celibacy, and their Order put in the Rank of ſuperior Orders, Acolytes, Exorciſts, Lectors, and Door-keepers.

WE read alſo in the Writers of theſe Times, and eſpecially in S. *Gregory's* Letters, of Cardinal Prieſts, Cardinal Deacons, and Cardinal Subdeacons; and that many Churches beſides the *Roman* had of theſe Cardinals, ſuch as thoſe of *Aquileja*, *Ravenna*, *Milan*, *Piſa*, *Terracina*, and *Syracuſe*; and likewiſe in our Provinces, ſuch as the Churches of *Naples*, *Capua*, *Beneventum*, *Venafrum*, and perhaps all the reſt. But in theſe Times, as *Florens* and *Balutius* ſufficiently prove [1], and as is evident from the very Letters of S. *Gregory*; theſe Cardinals were nothing elſe but ſtranger Prieſts, Deacons, and Subdeacons, who were join'd and added, or, as you may ſay, thruſt in like a Wedge into a certain Church, whence they were call'd *Incardinati*, and depended, and turn'd on that Body as a Door on its Hinges; ſo that they were no more look'd upon as Strangers, but as belonging to that Church, therefore they were call'd *Incardinati*, or *Cardinales*, a Title which tho' at its Riſe did not denote any Dignity nor Superiority whatſoever, yet in the following Centuries made ſuch a tearing and dazzling Figure, that of late it hath ſound Means to vie with the Royal Title; and thoſe who are honour'd with it, to put themſelves on a Level with the moſt potent Kings of the Earth.

'TIS true there likewiſe aroſe at the ſame Time in the Weſt, diverſe Officers, and other Titles were heard of, ſuch as *Cimeliarcha*, *Rector*, *Chartularius*, and others; and in the Eaſtern Church a great many more, of which there is a long Catalogue in *Bodinus* [2], and *Leunclavius* [3]. But theſe Officers were appointed in order to take care of the Temporalities of the Churches, and their Riches. The Biſhops by the Piety of the Princes and the Faithful, who were profuſe in making Donations to their Churches, applied themſelves to build other new and more magnificent ones; and eſpecially our *Neapolitan* Biſhops [4] beautified the Churches of their own Cities above all the others of theſe Provinces, and built many of them anew: And whereas before this Time the Veſſels had been made of Wood, Glaſs and Earthen-Ware; the Veſtments, and all the other Ornaments had been ſimple and plain; ſo now they were made of Gold and Silver; the Veſtments came to be rich and pompous; the Ornaments all precious and magnificent; wherefore it behoved them to appoint one of the Clergy to keep them, and take care of them; whence the Keeper of them with us [5] was call'd *Cimeliarcha*, and with the *Greeks* [6] *Magnus Vaſorum Cuſtos*. The Church of *Naples* had her *Cimeliarcha*, which ſhe continues to have to this Day, but with a different Employment: All the other Churches of theſe our Provinces had likewiſe ſuch an Officer, as alſo thoſe of *Rome*, *Ravenna*, and in fine all the reſt. The Poſſeſſions, Farms, and the large Revenues ſituated in remote and diſtant Countries, had a Perſon appointed to take care of, and look after them; whence came the Rectors, of whom S. *Gregory* often makes mention, who had the Charge of the Patrimony of the Churches, and conſequently the *Chartularii*, the Oeconomiſts and other Officers. But all theſe Offices were ordain'd for the Temporalities of the Churches, and were not Hierarchical Degrees, nor were they concern'd in the leaſt with Spiritual Matters.

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[1] Balut. in annot. ad Anton. Auguſt. in Decreto Grat.

[2] Codin. de Offic. Eccl. Conſtant.

[3] Leuncl. tom. 2. Jur. Græco-Rom.

[4] Jo. Diacon. de Epiſc. Neap. Chioc. de Epiſc. Neap.

[5] Chioc. de Epiſc. Neap.

[6] Codin. Leuncl. loc. cit.

SECT. II.

MONKS.

CHURCHES as well as Monaſteries became more frequent and magnificent in theſe Times, and their Monks more numerous. The *Longobards*, as it commonly happens in the firſt Ardour of new Religions, having embrac'd that of the *Roman* Catholicks, were much more profuſe in their Donations to Churches and Monaſteries, than the Old *Greek* Chriſtians. King *Agilulfus* having become Catholick, repaired many Monaſteries in *Italy*, and built others new. King *Aripertus* was as profuſe in giving to the Monaſteries and Churches, and particularly to the *Roman*, as he was in reſtoring the great Poſſeſſions in the *Alpes Cottiæ*; whence the Patrimony of St. *Peter* grew ſo great in that Province, that it made ſome believe, that *Aripertus* had given all the Province of the *Alps* to the Church of *Rome*.

OUR Dukes of *Beneventum*, altho' the Monaſtery of *Caſino* had ſuffer'd ſo terrible a Pillage under Duke *Zoto* I. a Pagan and Idolater; nevertheleſs having afterwards, by the Labour of *Barbatus*, embrac'd the Catholick Faith, were bountiful to the Churches and Monaſteries; inſomuch that *Pertonax* having repair'd that Monaſtery in the Year 690, the Dukes of *Beneventum* inrich'd it hugely, and among others *Gilulphus* II. increas'd it with immenſe Donations, and great Poſſeſſions. Thoſe Places and Lands belonging to the State of S. *Germano* were moſtly given to that Monaſtery; ſo that afterwards in proceſs of Time, being inrich'd with other large Donations, it became ſo great and powerful, that the Abbots, as Lords of many Lands and Vaſſals, kept Armies in their own Pay, as we ſhall ſee in the following Century.

BY this the Monaſteries of the Order of S. *Benedict* became more numerous in the Dukedom of *Beneventum*, which in theſe Times comprehended what we now call the two *Aprutii*, the County of *Moliſe*, and the *Capitanata*; almoſt all *Campania*, a good Part of *Lucania*, of *Puglia*, and of the ancient *Calabria*, *Tarentum*, *Brunduſium*, and all the large Country about it [1]. Many ſuch, both of Men and Women were newly erected in theſe our Provinces under the Reign of the *Longobards*; we read of very many in *Beneventum* in the Time of S. *Gregory* [2], of the Monaſtery of the Monks of S. *Nazarius the Martyr*; of another near to that of the Friers of S. *Mary ad Olivolam*: And in the Time of *Grimoaldus* V. Duke of *Beneventum*, we read of that of S. *Modeſtus* inrich'd by *Grimoaldus* with great Poſſeſſions [3]; and *Theodorata* Wife of Duke *Romualdus* his Son, founded a Monaſtery of Women without the Walls of *Beneventum*, in Honour of St. *Peter* the Apoſtle. The Example of the Princes was afterwards follow'd by their rich Subjects, as well *Longobard* as Provincial; ſo that in the Dukedom of *Beneventum*, over all the Provinces which it comprehended, the Monaſteries of S. *Benedict* were in thoſe Days more numerous than in the preceding Century.

IN the Dukedom of *Naples*, and in all thoſe Cities which were ſubject to the *Greeks*, altho' many others of this Order were newly built, nevertheleſs the Number of Monaſteries, as well of Men as of Women, under the Rule of S. *Baſil* was greater: *Naples* had a great many of them, as we have ſeen in the foregoing Book; they were no leſs frequent in *Otranto*, *Brunduſium*, *Rhegium*, and almoſt in all the other Cities of *Calabria* and *Brutium*.

THUS the Monaſteries were no leſs numerous and rich in theſe our Provinces, than in *France* and *Germany*, and other Parts of the Weſt; ſo that they began to pretend to ſhake off the Yoke of the Biſhops, and to aſk Privileges and Immunities in order to be at Liberty. If the Acts of the Council be true, which S. *Gregory* is ſaid to have held in *Rome* in the Year 601, in favour of the Monks, it was there ordain'd, that the Monks ſhould have the Liberty to elect their own Abbot, and to chuſe a Monk of their own Community, or of another Monaſtery; that Biſhops could not take a Monk out of a Monaſtery in order to make him a Clerk, or to employ him in reforming another Monaſtery, without Conſent of the Abbot; that the Biſhops were not to meddle with the Temporalities of Monaſteries, neither to celebrate ſolemn Offices in the Church of the Monks, nor exerciſe therein any Juriſdiction. By reaſon of all which, the Monaſtick State from that Time became conſiderable, and ſoon after began to incroach upon the Civil and Temporal State of Princes, who inſtead of ſetting Bounds to ſo great Acquiſitions, rather increas'd them with their immenſe Donations.

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[1] P. Warnefr. lib. 6. cap. 1.
[2] Ughel. de Epiſc. Benev. p. 19.
[3] P. Warnefr. lib. 6. cap. 1.

SECT. III.

ECCLESIASTICAL *Regulations.*

THE Canons which had been eſtabliſh'd in different Councils in the Weſt during this ſeventh Century, and particularly in *Toledo* and in *France*, redreſs'd in a great meaſure the Irregularity of the moſt Part of Chriſtians, and the Diſcipline of the Eccleſiaſticks, that had been much decay'd. They were invigorated likewiſe by the Edicts of the Sovereigns; and S. *Gregory the Great* reſtor'd in *Italy* the declining Diſcipline of our Churches; he took much Pains to preſerve it, and apply'd himſelf wholly in cauſing the Canons to be inviolably obſerv'd in all the Churches. For which Purpoſe he wrote a great Number of Letters during the fourteen Years of his Pontificate, which contain a great many Deciſions concerning the Government and Diſcipline of the Church.

IF that which *Baronius* wrote of *Creſconius* Biſhop of *Africa* be true, and what the moſt grave Authors ſay of the Collection of *Iſidore Mercator*, there was not one Collection of Canons made in this ſeventh Century. *Baronius* believ'd that the Biſhop *Creſconius* flouriſh'd about the Time of *Juſtinian* the Emperor, therefore his great Collection of Canons was ſpoke of in the foregoing Book. If then we would follow the Opinion of *Doviat* [1], reckon'd true by *Pagi* [2], and embrac'd by *Burcardus Gothelf Struvius* [3], the Collection of *Creſconius* would belong to this ſeventh Century, according to the Opinion of thoſe who reckon it was made about the Year 670. That of *Iſidore Mercator* muſt certainly be referr'd to the next Book, ſeeing this Writer flouriſh'd in the eighth Century, in the Year 719.

IF *Iſidore* of *Spain*, Biſhop of *Seville*, be reckon'd Author of it, this ſhould certainly be its Place; he ſate in that Chair after the Death of his Brother *Leander*, to whom he ſucceeded about the Year 595, and govern'd it for almoſt the Space of forty Years; but 'tis certain he was not the Compiler of it, as well becauſe that Collection contains many Canons eſtabliſh'd in diverſe Councils held in *Toledo* a long Time after his Death, which fell out in the Year 636, and ſome Letters of *Gregory* II. and III. and of *Zacharias* [4], who ſate in the Chair of *Rome* in the eighth Century; as alſo, becauſe amongſt the many Works of this eminent Writer, this Collection has never been mention'd by any [5].

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[1] Doviat. hiſt. Droit Can. par. 1. ch. 22.

[2] Pagi in Critica in An. Bar. ad A. 827. n. 14.

[3] Struvius hiſt. Jur. Can. cap. 7. §. 11.

[4] Pet. de Marc. de Conc. Sac. & Imp. lib. 3. cap. 5. n. 2.

[5] V. Gonzales in Apparatu de Orig. & Progr. Jur. Can. num. 46. V. Hunoidum. Plettenbergium Introduct. ad jus Can. cap. 11. §. 7.

SECT. IV.

TEMPORALITIES.

THE ſo many profuſe Donations, which from Time to Time were made, as well by private Men as by Princes, to the Churches in the Courſe of little leſs than two Centuries, were the Cauſe that the Churches, as well as the Prince and Private Men, had their particular Patrimonies. The moſt ample Poſſeſſions which they acquir'd, not only within the Diſtrict of their Cities, but alſo in diſtant Countries, from whence they drew ſo great Revenues and Fruits, were call'd *Patrimonies*, according to the Cuſtom of that Time, in which the Poſſeſſions of any Family, and the Heritages deſcended to them from their Forefathers, were call'd its Patrimony. So likewiſe an Eſtate which a Prince poſſeſs'd in Property, was call'd Patrimony; and in order to diſtinguiſh it, not only from the Patrimonies of Private Men, but alſo from his own Revenue, was call'd *Sacrum Patrimonium*, as we read in many Conſtitutions of the *Juſtinian* Code[1]; which afterwards, in the new Kingdoms of *Europe*, was call'd the *Royal Demaine*. For the ſame Reaſons the Name of Patrimony was given to the Poſſeſſions of each Church: So in the Letters of S. *Gregory*, we ſee not only the Patrimony of the Church of *Rome* mention'd, but alſo the Patrimony of the Church of *Ravenna*; the Patrimony of the Church of *Milan*; the Patrimony of the Church of *Rimini*; and of many others. The Churches of great Cities, ſuch as *Rome*, *Ravenna*, and *Milan*, as Imperial Cities, and where the Senators, great Officers, and other illuſtrious Perſons liv'd, acquir'd Patrimonies, not only within their own Bounds, but alſo in different Parts of the World. The other Churches of leſſer Cities, ſuch as *Naples*, *Beneventum*, *Capua*, *Salernum*, *Bari*, *Rhegium*, and many others, whoſe Inhabitants had but moderate Fortunes, and all within their own Limits, had no Patrimonies without their own Diſtricts.

AMONGST all the Churches of the Imperial Cities, the Church of *Rome* was that, which in thoſe Days had acquir'd the moſt ample and vaſt Patrimonies, not only in *Italy*, but alſo in the moſt diſtant Provinces of *Europe*[2]. In the Pontificate of *Gregory the Great*, as may be gathered from his Letters, the Church of *Rome* had ample Patrimonies in *Sicily*; this Pope writing to *Juſtin*, Prætor of that Iſland, which was govern'd by him for the Eaſtern Empire, deſir'd that he would take care, without delay, to cauſe ſome Grain gathered in the Patrimony of S. *Peter*, to be tranſported to *Rome* were there was a Scarcity. And ſeeing theſe Poſſeſſions were many, and ſome of them divided into ſmall Portions, according to the Donations which from Time to Time had been made by the Faithful; therefore he wrote again to *Peter* the Subdeacon, Rector of that Patrimony, that being ſollicited to farm out ſome of them, he had not as yet reſolv'd what to do in that Matter. The Church of *Rome* had likewiſe a Patrimony in *Africa*, whence *Gregory* gave infinite Thanks to *Gennadius* a Patrician, and Exarch of that Province, which he held for the Emperor of the Eaſt; that ſeeing many Places of that Patrimony had been abandon'd by the Labourers, he had been ſo good as to ſend many of thoſe People who depended on him to it, whereby it had been much improv'd. She had alſo a Patrimony in *France*, the Care of which was committed to a Prieſt, whoſe Name was *Candidus*, whom he earneſtly recommended, not only to the Queen *Brunichilda*, but alſo to King *Childebert* her Son, in the Year 596, ſhewing, That that Charge had formerly been recommended to *Dinanius* a Patrician, and wrote to *Candidus* giving him an Account how he ſhould diſpoſe of thoſe Revenues; and about the End of his Pontificate, in the Year 604, he recommended that Patrimony to *Aſclepiodatus* a *French* Patrician. She likewiſe had a Patrimony in *Dalmatia*, which was put under the Care of *Antonius*, or *Antoninus* a Subdeacon.

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[1] Cod. Juſtin. lib. 12.

[2] V. Ammirat. in his Opuſc. diſc. 7.

IN *Italy* and in theſe our Provinces, the Church of *Rome* had likewiſe many Patrimonies. In the Province of the *Alpes Cottiæ* ſhe had a large Patrimony, which being poſſeſs'd for a long Time by the *Longobards*, was afterwards reſtor'd to her by King *Aripertus* in the Pontificate of *John* VII. *Paul Warnefride* writes, *That* Aripertus *King of the* Longobards *reſtor'd the Donation of the Patrimony of the* Alpes Cottiæ, *belonging to the Apoſtolical See, but for a long Time poſſeſs'd by the* Longobards; *and ſent this Donation to* Rome *written in Letters of Gold.* Which Donation, as the ſame Author affirms, was confirm'd by King *Luitprandus*: his Words are; *At which Time King* Luitprandus *confirm'd to the Church of* Rome *the Donation of the Patrimony of the* Alpes Cottiæ. In the Exarchate of *Ravenna* S. *Peter* had alſo his Patrimony; for in the Pontificate of S. *Gregory*, there was a Law-Suit betwixt him and the Biſhop of *Ravenna* for the Patrimony of both the Churches, which they agreed by Tranſaction. Likewiſe in our Dukedom of *Beneventum* the Church of *Rome* had her Patrimony, as ſhe had in *Salernum* and *Nola*; the Revenues of which S. *Gregory* [1] allotted for the Relief of certain poor Nuns. She alſo had a Patrimony in *Naples*, whither, as we ſee in ſome of this Pope's Letters, he ſent Rectors from *Rome* to overſee it, whom he injoin'd to lay out a good Part of the Revenues of it on the Poor. The Rectors of which Patrimony in *Naples*, were ſucceſſively *Petrus*, *Theodinus*, *Antemius*, and others, all Subdeacons of the Church of *Rome*. Theſe in *Naples* had their certain *Diaconiæ*, or Places and Stations appointed, in which the Subdeacon Rector ſupply'd the Poor of the City, and diſpers'd the Alms, after the manner of *Rome*, which had many of theſe *Diaconiæ* [2]: In fine, ſhe had Patrimonies in ſome other Cities of this Province of *Campania*, as ſhe had in *Aprutium*, in *Lucania*, and likewiſe in *Calabria*.

THE Biſhops of theſe greater, as well as of the leſſer Sees, in order to make the Poſſeſſions of their Churches the more reſpected, were wont to give them the Name of the Saint which that Church had in ſpecial Veneration; thus the Church of *Ravenna* gave her Poſſeſſions, the Name of S. *Apollinarius*; and that of *Milan*, of S. *Ambroſius*; and the *Roman* her's the Patrimony of S. *Peter* in *Sicily*, *Africa*, *Dalmatia*, *Calabria*, *Aprutium*, *Beneventum*, *Naples*, and elſewhere; juſt ſo as in *Venice*, the Publick Revenues were call'd S. *Mark*'s. Thus likewiſe the Churches of the leſſer Cities, for the more Reſpect, nam'd their Patrimonies by the Name of the Saint for whom they had the greateſt Devotion, as in *Naples* the Patrimony of S. *Aſpremus*; in *Beneventum*, of S. *Barbatus*; in *Brunduſium*, of S. *Leocus*; and in *Amalphis*, of S. *Andrew*; in *Salernum*, of S. *Matthew*; and ſo of all the reſt.

BUT 'tis well worthy of Obſervation, that this Name of Patrimony, which the Church of *Rome* had in theſe Provinces, did not import any ſupreme Dominion, or any Juriſdiction which the Pope, or the Church of *Rome* had over ſuch Patrimony; they held of the Prince in whoſe Provinces the Patrimony was ſituated, as all other private Patrimonies did, and were ſubject to the Juriſdiction and immediate Dominion of that Prince in whoſe State they were. 'Tis true, ſome Eccleſiaſticks of the Church of *Rome* attempted to make Incroachments, but all in vain; for in the Patrimonies of Princes, when they were not allotted to Soldiers, there was a Governor appointed with Juriſdiction over all Cauſes which could happen concerning theſe Poſſeſſions, for the more eaſy bringing in of their Revenues, and for compelling Debtors; which very Prerogatives ſome Eccleſiaſticks attempted to uſurp in the Patrimonies of that Church, by taking the Adminiſtration of Juſtice into their own Hands, without having recourſe to the Judgment of Magiſtrates: But S. *Gregory*, that moſt prudent and wary Pope, check'd that Incroachment, and forbid it under the Pain of Excommunication; neither would the Princes on any account ſuffer it within their Dominions.

THEREFORE the Eccleſiaſtical Poſſeſſions paid Tribute to the Prince as all other private Patrimonies did, which appears plainly from *Can. ſi tributum*, of S. *Ambroſe* [3]; and 'tis clear, that the Emperor *Conſtantinus Pogonatus*, in the Year 681, granted Exemption from the Tribute which the Church of *Rome* paid for her Patrimony in *Sicily* and *Calabria*. And the Emperor *Juſtinianus Ritmenus*, Succeſſor of *Conſtantine*, in the Year 687, remitted the Tribute which the Patrimonies of *Aprutium* and *Lucania* paid. This Indulgence of Tribute occaſion'd a Friendſhip

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[1] Lib. 1. ep. 22.

[2] V. Ant. Matt. man. ad jus Can. l. 1. tit. 17.

[3] Can. ſi tributum XI. q. 1.

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and good Correſpondence betwixt the Popes and the Emperors of the Eaſt; but when afterwards by the Innovations which aroſe in the Empire of *Leo Iſauricus*, there grew thoſe bitter Contentions betwixt the Popes and the Emperors of the Eaſt, which ſhall be the Subject of the following Book, and which at laſt broke out into open Sedition and Enmity; *Leo Iſauricus* in the Year 732, not only did not exempt, but took away altogether from the Church of *Rome* the Patrimonies of *Sicily* and *Calabria*, and apply'd them to his own Exchequer. And the Writers, who relate theſe Events, report, that theſe confiſcated Patrimonies yielded in all a Revenue of three Talents and a half of Gold Yearly [1], which make in our Money, (not to be preciſe as to the different Opinions about how much anſwers exactly to a Talent) the Sum of 2500 Crowns; and the Patrimony of *Sicily*, tho' very large, yielded no more than 2100 Yearly.

THOSE Patrimonies which the Church of *Rome* had in different Provinces, where the Eccleſiaſticks, when they found their Account in it, likewiſe frequently uſurp'd ſome Juriſdiction in Cauſes belonging to them, gave riſe amongſt the Writers of latter Times, to a Blunder, which was ſwallow'd as a Truth by thoſe that came after them, who from this invented other Stories, to wit, that the Province of the *Alpes Cottiæ*, *Sicily*, the Dukedom of *Beneventum*, the Dukedom of *Spoletium*, Part of *Tuſcany* and *Campania*, and many other Provinces belong'd to the Church of *Rome*, becauſe ſhe had Patrimonies in them, by confounding the Patrimony which ſhe had in the *Alpes Cottiæ*, with the Province itſelf, and ſo of the other Provinces. Into which Blunder, we cannot but admire, that amongſt others our *Scipio Ammiratus* [2], otherwiſe a moſt careful Hiſtorian, ſhould have fallen; who, as *Paul Warnefride* himſelf declares, would likewiſe give us to underſtand, that the Donation of King *Aripertus* contain'd the Reſtitution and Confirmation of the *Alpes Cottiæ* to Pope *John* VII.; whereas from the Words of this Writer above related, 'tis evident, that the Patrimony of the *Alpes Cottiæ* is meant, and not that Province, which comprehended a great Tract of Country, and reach'd as far as *Genoa*, beautified with ſo many Cities and Towns, that it would be Folly to believe, that that Prince, in ſo gloomy and ſuſpicious Times, would have given it to the Pope, then a Confederate of the Emperors of the Eaſt, who were implacable Enemies of the *Longobards*.

WE ſhall ſift this Miſtake when we come to treat of the many famous Donations of *Charles the Great*, and *Lewis the Pious*; where we ſhall ſee, that what we read in them of *Naples*, *Salernum*, and eſpecially *Beneventum*, is to be underſtood only of the Patrimonies which the Church of *Rome* had in theſe Provinces, and not at all of the Dukedoms and Principalities; which Patrimonies, according to the Cuſtom of theſe Times, were confirm'd and granted to the Church of *Rome* by Virtue of the *Præcepta* of the Emperors, who ſucceſſively reign'd in *Italy*, as was the Patrimony of *Beneventum* by *Lewis the Pious*, in the Year 817, to Pope *Paſchale* I. which was afterwards confirm'd and granted anew by *Otho* III. and *Otho* King of *Germany*, his Son, to *John* XXII. in the Year 962, and not the Dukedom or City of *Beneventum*, which certainly came under the Dominion of the Church in the Year 1052, by way of Exchange, made betwixt *Henry* II. the Son of *Conrade*, and Pope *Leo* IX. for the Church of *Bamberg*, as ſhall be ſhewn in its proper Place.

SO great in theſe Times was the increaſe of the Temporal Riches of our Churches, and eſpecially of the Church of *Rome* their Miſtreſs and Leader, and according to the Circumſtances of the Times we ſhall ſee them make greater Acquiſitions in the Ages following.

THE Number of Churches and Monaſteries increaſing, the Worſhip of Saints, their Reliques and Images grew much more. The Sanctuaries, and above all, that of Mount *Garganus*, were more frequented, and inrich'd with valuable Gifts, not only by the *Greeks*, but *Longobards*. Miracles were multiplied; and beſides Preachings and Sermons, innumerable Stories began to be forg'd concerning them, and to be collected into Volumes; and S. *Gregory* publiſh'd a great many of them in his four Books of Dialogues, which he dedicated to Queen *Theodolinda*. Holy-Days were multiplied in the Churches; the Octave of *Chriſtmas*; that of the *Epiphany*;

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[1] Theophanes appellata Patrimonia Sanctorum Principum Apoſtolorum, qui apud veterem Romam in Veneratione ſunt, illorum Eccleſiis jam olim perſolvi ſolita, auri Talenta tria & ſemis, ærario Publico ſolvi juſſit. V. De Marca de Concord. Sacerd. & Imp. lib. 3. c. 11. n. 4.

[2] Ammir. opuſc. diſc. 7.

thoſe of the Purification and Annuncation of the Virgin; her Death and Nativity; and in fine, that of all Saints. Riches increaſ'd proportionably to Worſhip and Devotion, the Faithful promiſing themſelves to obtain of the Saints, not only Spiritual, but alſo Temporal Riches, Health, Abundance, and good Succeſs in their Traffick and Affairs, Navigation, and Land Journies.

FROM ſo many and different Springs which began to diſcover themſelves, the Poſſeſſions and Inheritances of the Churches multiply'd much more; and the Reaſon was, becauſe, as our *Ammiratus* writes, Religion being an Account which is kept with God, and Mortals ſtanding in need of him in many Things, either by thanking him for the Good receiv'd, or the Evil eſcap'd, or by intreating him that ſuch a Thing may not happen, or that another Thing may ſucceed well; it neceſſarily follows, that out of Gratitude we ſhould give a Share of our Goods, not to Him, who ſtands not in need of them, but to his Temples, and his Prieſts: How much more then muſt the Donations and the Offerings increaſe, when there was not only an Account to be kept with God, but likewiſe with ſo many Saints, by whoſe Interceſſion the Faithful expected the ſame Things? and their Worſhip and Veneration having increaſ'd ſo much, and thereby many Monaſteries and Temples being erected in their Names, and their Sanctuaries being multiply'd, it was eaſy to draw the People in to make Offerings of their Goods and Riches in greater Plenty, both to their Temples and Prieſts. The Cuſtom began likewiſe of giving, not only to the Churches, but alſo to the Pariſhes and Prieſts, and other Miniſters, for their Maſſes for liberating the Souls of their deceaſ'd Friends out of Purgarory [1]; whence proceeded, as *Mornacius* [2] believes, the Authority which they aſſum'd of making Wills to thoſe who died Inteſtate; of which we ſhall have occaſion to treat in another Place.

OUR Churches kept up the ſame Rule in the Diſtribution of the Revenues and Temporal Riches into four Parts, one to the Biſhop, another to the Clergy, a third to the Poor, and the fourth to the Material Church. The Church of *Naples* in the Time of S. *Gregory*, under Biſhop *Paſcaſius*, had a numerous Clergy, amounting to a hundred and twenty-ſix, beſides Stranger Prieſts, Deacons, and Clerks: And we read in the Letters of this Pope [3], that *Paſcaſius* neglecting to diſtribute the Revenues to the Poor and the Clergy, as was requiſite, he, the Pope, was oblig'd to diſtribute them, and reſerving the Biſhop's Portion, he appointed what was to be given to the Clergy and the Poor, injoyning likewiſe *Antemius* his Subdeacon, who was Rector of S. *Peter*'s Patrimony in *Naples*, that jointly with the Biſhop, he ſhould overſee the Diviſion according to the Neceſſities of the Poor, and the Quantity of the Money; and order it ſo, as to diſtribute it at a proper Time, according to his own Diſcretion.

THE Church of *Beneventum* likewiſe obſerv'd the ſame Cuſtom of dividing the Revenues into four Parts: S. *Barbatus* her Biſhop would not in that depart from the Direction of the Canons; and we read in his Acts, that after Duke *Romualdus* had inrich'd his Church with ſo many Donations, and added that of *Sipontum* to her, by a particular Direction he reſolv'd to ſettle this Diſtribution for ever, which was always to be obſerv'd in his Church; thus we read in theſe Acts [4], *Impetratis omnibus ut popoſcerat vir Sanctus, non eſt oblitus mandatorum Dei: In quatuor partes cunctum Eccleſiæ redditum omni tempore ſanxit fideliter diſpartiri, unam egentibus, ſecundam his, qui Domino ſedulas in Eccleſiis exhibent Laudes, tertiam pro Eccleſiarum reſtauratione diſtribui juxta quartam ſuis peragendis utilitatibus Epiſcopus habeat; & hactenus ſicut ab eo diſpoſita ſunt, in præſenti cuncta videntur.*

ALL the other Churches of theſe our Provinces obſerv'd the ſame Rule, which beſides other Things was commendable for this, that the Poor were not cheated of their Portion, and the Biſhops practis'd that Hoſpitality to Strangers, to which they are oblig'd by the Canons.

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[1] V. Bodin. lib. 5. de Rep. c. 2. p. 530.

[2] Mornac. ad l. 1. C. de Sacroſanct. Eccl. Ant. Matth. manud. ad jus Can. lib. 2. tit. 1.

[3] Lib. 9. ep. 29. v. Chioc. de Epiſc. Neap. in Paſcaſio.

[4] We read them in Ughel. de Epiſc. Benev. in S. Barbato.

THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK V.

LUITPRANDUS King of the *Longobards*, having in the Year 711, fix'd the Throne of his Kingdom in *Pavia*, as his Predeceſſors had done, began to give very great Marks of his Goodneſs and Prudence. And like his Father and other Kings his Predeceſſors, was moſt ſtedfaſt in the Catholick Religion, to whoſe Piety *Pavia* owes the glorious Bones of *Auguſtine*, which he recover'd from the *Saracens*, after he had driven them out of *Sardinia*, where he found the precious Shrine. He, imitating *Rotaris* and *Grimoaldus*, would likewiſe have his Share of the Glory of a wiſe Lawmaker; for which end, in the firſt Year of his Reign, according to Cuſtom, having conven'd the States of the Kingdom in *Pavia*, he ordain'd other Laws, and added them to the Edicts of *Rotaris* and *Grimoaldus* [1]; not ſatisfy'd with that, in the following Years, as Occaſion requir'd, he eſtabliſh'd others: So that amongſt the Kings of the *Longobards*, next to *Rotaris*, *Luitprandus* was he, that more than any other provided his Kingdom with Laws.

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[1] P. Warnefr. lib. 6. c. 58. Bernard, Saccus hiſt. Ticin. lib. 9. c. 5. Sigon. ad A. 713.

SECT. I.

The Laws of LUITPRANDUS.

MANY Laws of this Prince, full of the greateſt Wiſdom, have been handed down to us in the Volumes of the *Longobard* Laws; but in the Parchment Code of the Monaſtery of the Cave we read his intire Edicts, whence the Compiler of that Volume took them. There we read his firſt Edict, which was publiſh'd in the Firſt Year of his Reign, containing ſix Chapters, amongſt which the firſt has this Title, *de Succeſſione filiarum.* We likewiſe read the other Edicts which he made in the following Years; for in the Fifth Year of his Reign he publiſh'd another, which contains other ſeven Chapters; in the Eighth, ten; in the Tenth Year five; in the Eleventh, thirty-three; in the Thirteenth Year five; in the Fourteenth, fourteen; in the Fifteenth, twelve; in the Sixtenth, eight; in the Seventeenth, thirteen, in the Nineteenth, thirteen; in the Twenty-firſt, nine; in the Twenty-ſecond, four; in the Twenty-third, five; and ſome others he publiſh'd in the following Years: So that the Laws of this Prince, as they are regiſtred in the ſame Code, which is preſerv'd in the Archives of the Cave, amount to the Number of a hundred and fifty-two; to which in the foreſaid Code we ſee ſeven other Chapters added, whoſe Titles or Summaries are, I. *De Mercede Magiſtri.* II. *De Muro.* III. *De Annona.* IV. *De Opera.* V. *De Caminata.* VI. *De Furno.* VII. *De Puteo.*

OF theſe Laws, only 137 were inſerted in the Volumes of the *Longobard* Laws by their Compiler. In the firſt Book we read 48; and in the Second 89; for in the Third there are none. The firſt which we read in the firſt Book is under the Title *de Illicito Conſilio*; the other under Title 8, we read nine others under the Title *de Homicidiis*; another under that *de Parricidiis*; one other under the fourteenth Title of the ſame Book; four under the Title *de Injuriis Mulierum*; three in the ſeventeenth Title; one under the Title *de Seditione contra Judicem*; another in the nineteenth Title; one under that *de Paupere*; four in the twenty-third Title; twelve under that *de Furtis, & ſervis Fugacibus*; one under the Title *de Invaſionibus*; another under the twenty-ninth; another under the Title *de Raptu Mulierum*; another under that *de Fornicatione*; three under the Title *de Adulterio*; one in the thirty-fourth Title; and another under that *de Culpis ſervorum*, which is the laſt of the firſt Book.

IN the Second we read many more to the Number of 89; two under the ſecond Title; one under the third; three in the fourth; one in the fifth; another in the ſixth; another in the ſeventh; eight under the Title *de Prohibitis Nuptiis*; one in the ninth; another in the tenth; another in the eleventh; three under that *de Conjugiis ſervorum*; another under the thirteenth Title; another under that *de Donationibus*; another under the Title *de ultimus Voluntatibus*; three under the thirteenth; ſixteen in the Title *de Debitis, & Guadimoniis*; one under that *de Treugis*; two under the twenty-fifth; another under the twenty-ſixth; another under that *de Depoſitis*; another under the Title *de Rebus intertiatis*; ſeven in the Title *de Prohibita Alienatione*; two under the thirtieth; one under that *de Prohibita Alienatione ſervorum*; four under the Title *de Præſcriptionibus*; two under that *de Evictionibus*; four under that *de Santimonialibus*; two in the Title *de Ariolis*; four under the Title *de Reverentia Eccleſiæ, ſeu immunitatibus debita*; five under that *Qualiter Judices judicare debeant*; one under the Title *de Conſuetudine*; another under that *de Teſtibus*; four under the Title *Qualiter quis ſe defend. Deb.*; and one in that *de Perjuriis*, which is the laſt Title of the Book.

IN the third, we have no Laws of *Luitprandus*, it being compoſ'd for the moſt Part of the Laws of thoſe Emperors who reign'd in *Italy*, as Succeſſors to the Kings of the *Longobards*, after having driven them out of this Province; all that the Compilers inſerted in it were a few of the Laws of *Rotaris*, of *Rachis*, and *Aſtolphus*. We may ſee ſome other Laws of this King in *Marcolphus* [1] and *Goldaſtus*.

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[1] Marcol. tit. 55. §. 4. Goldaſt. tom.

BUT the Wiſdom which this Prince ſhew'd in ſettling his Kingdom with ſuch provident Laws, and all his other Talents, were not a little eclips'd by his too great Ambition of Dominion, and his extreme Deſire to inlarge the Bounds of his Kingdom beyond what his Predeceſſors had left him, which he puſh'd ſo far, that at laſt it occaſion'd the Ruin of the Empire of the *Longobards* in *Italy* to his Succeſſors; for not ſatisfy'd with having retaken the Patrimony of the *Alpes Cottiæ* from the Pope, which a little before King *Aripertus* had confirm'd to the Church of *Rome*; he likewiſe invaded the *Sabinian* Patrimony; and being altogether intent upon taking Advantage, and ſeeking any Opportunity of inlarging his Dominions, ſpurr'd on by a covetous Deſire to a quick and dexterous Execution, he much inlarg'd his Kingdom upon the Ruins of the *Greeks*: So that his Power made the Popes jealous of him ever afterwards, and at laſt they ſeeing the *Greeks* depreſs'd, and the Authority of the Emperors of the Eaſt almoſt quite aboliſh'd in *Italy*, and not truſting any more to the *Greeks*, who had become their greateſt Enemies, reſolv'd to have recourſe to foreign Aſſiſtance, in order to bring down ſo great an Empire, in the Manner we ſhall ſhew anon.

SECT. II.

Innovations in Italy, *occaſion'd by the Edicts of* Leo Iſauricus.

AT this Time *Leo Iſauricus* reign'd in the Eaſt, who following the Footſteps of *Bardanus*, Surnamed *Philippicus* (who was the firſt Emperor of the Eaſt that began to make War upon Images) was called *Iconomachus*, becauſe he had Images in the greateſt Abomination; for he was perſuaded, that by throwing them down, he ſhould drive out Idolatry, which, he believ'd, by the Adoration and Worſhip of them, had intruded upon Chriſtianity, by which he promis'd himſelf Proſperity to his Empire; and for a Reward of ſo bold and pious an Undertaking, as he thought, flatter'd himſelf, that if he ſucceeded he ſhould be able to enlarge his Empire, to recover *Italy* from the *Longobards*, and to reſtore it to its antient Dignity and Grandeur. There were not wanting ſome who, in order to improve his Error and fond Conceit, by Preſages and Omens, confirm'd by Chance, promis'd him an eaſy and ſafe Accompliſhment of his Deſign; and the Policy of this Prince, which cannot be deny'd, was very great, was deluded and impoſed upon by ſuch idle Prophecies; foraſmuch as he did not conſider that ſo ſtrange and unheard of an Undertaking could not but excite Diſturbance and Tumults amongſt a People, and eſpecially *Italians*, who now for a long time, had been accuſtom'd to worſhip thoſe Images in the Churches, and elſewhere, and to promiſe themſelves not only ſpiritual, but alſo temporal Happineſs by the Interceſſion of their Prototypes; being ſtruck with ſuch a ſtrange Novelty, their Minds could not but be filled with great Horror, by ſeeing thoſe Statues which by their Forefathers, with equal Piety and Magnificence, had been placed in their Temples, and over the Gates of the Cities, for publick Adoration, burnt by the Hands of vile Men, and, with the utmoſt Contempt, thrown down, and broke in a thouſand Pieces.

IT certainly could never have entered into the Mind of Man, to contrive a more flagrant or ſhocking Innovation than this, for putting all the Provinces of *Italy* into Diſorder; for the other Hereſies, which had nothing popular or tragical in them, tho' they had diffus'd themſelves in the Minds of Men, and eſpecially the *Arian*, yet they could not raiſe ſo many Tumults, and ſuch Confuſion, as this was able to do, which could not be put in Execution but by ſuch tragical Means as burning, throwing down, demoliſhing, and the like. *Leo*, as a prudent and judicious Prince, in the Beginning took ſoft and peaceable Methods; he firſt endeavour'd by Reaſoning, and earneſt Entreaties, to perſuade others to believe as he did; but ſeeing that did not avail, he put forth an Edict, by which he commanded only, that the Images ſhould be remov'd from the uſual Places where they were ſet in order to be worſhipped, and placed on the Tops of the Temples, where they could neither be worſhipped nor adored: But when he afterwards perceiv'd that the People entertain'd a Horror and Averſion for ſuch Edicts, he was ſeiz'd with ſudden Indignation and Rage, and laying aſide all Patience and Moderation, became ſo furious in the Undertaking, that convening the Senate, by publick Declaration he ordain'd, That all the Images ſhould be thrown down, and not ſo much as one ſhould be ſuffered within the Churches of *Conſtantinople*, being perſuaded, that the longer he delay'd the bringing this heroick and glorious Work to a Concluſion, the longer it would be before he receiv'd his Reward, according to his conceiv'd Notions.

IN the Eaſt, *Germanus*, Patriarch of *Conſtantinople*, and S. *John Damaſcene*, oppoſ'd this Deſign of the Emperor; but *Leo* cauſ'd *Germanus* to be depoſ'd, and, in the Year 730, ordered *Anaſtaſius* to be put in his Place. There are ſome who have wrote, That he likewiſe cauſ'd his Edict to be put in Execution in *Conſtantinople* by Force, by burning, and turning topſy-turvy all the Images, and all that was rare or foreign in that City; and likewiſe, in the Sight of all the World, cauſ'd the Statue of our Saviour, which was raiſed above the great Gate of the Imperial Palace, and had been plac'd there by *Conſtantine the Great*, to be pull'd down: Others reckon the pulling down of the Statue of our Saviour as fabulous, and will have it, that in theſe Beginnings *Leo* did not proceed to that Heighth of Madneſs. However that may be, he would have his Edict obſerved, and put in Execution, not only in *Conſtantinople*, and in the Eaſt, but alſo in all the Provinces of the Weſt which had remained under his Dominion. Therefore he ſtrongly injoyn'd his Officers who had the Government of theſe Provinces, that they ſhould ſee the Edict put in Execution in the Cities under their Command; and, eſpecially, he commanded *Scholaſticus*, a Patrician, who was at that Time Exarch of *Ravenna*, that he ſhould ſee his Orders punctually obey'd, by throwing down all the Images in that City, without ſuffering one to remain.

BUT in the Weſt, and particularly in *Italy*, the Edict was not only not obey'd, but the People had it in ſuch Abhorrence, that they broke out into open Rebellion. The Princes of the Weſt that were not ſubject to his Empire, the *Longobard* Kings of *Italy*, and our Dukes of *Beneventum*, deteſted it, and would not allow it to be receiv'd into their Dominions. The People of the *Greek* Empire had the ſame Averſion for it; neither was all the Power of the Officers, who us'd all Means poſſible for having it obſerved, ever able to ſurmount the obſtinate and univerſal Repugnancy. It was of no Force in *Rome*, nor all the *Roman* Dukedom: It had no better Succeſs in the Dukedom of *Naples*, and the other Dukedoms and Cities ſubject to the Emperors of the Eaſt. *Scholaſticus*, Exarch of *Ravenna*, by endeavouring to oblige that People to obſerve the Edict by Force, occaſion'd greater and more dangerous Diſorders; for having commanded that all the Images of that City ſhould be pull'd down by main Force, he rais'd ſuch Tumults, that the People being driven on to an open Revolt againſt the Emperor, brought Matters to that Extremity, that at laſt they ſubjected themſelves to the Dominion of *Luitprandus*: For this moſt cunning Prince, who was always upon the Catch for aggrandizing his own Kingdom at the Expences of the Emperor, having heard of this Revolt in *Ravenna*, immediately laid Siege to that City, and inveſted it both by Sea and Land; and, after having defeated the *Grecian* Fleet, made himſelf Maſter of it in a few Days [1]: Many other Cities of the Exarchate ſurrendered to him; and at laſt he reduced the Exarchate into a Dukedom, and added it to the other Dukedoms of the *Longobards*, giving it a new Form, and created *Ildeprandus*, his Nephew, Duke of it (the ſame who was afterward raiſed to the Royal Throne) to whom, being yet an Infant, he gave *Peredeus* Duke of *Vicenza*, for Guardian.

AT the ſame Time *Gregory* II. of that Name govern'd the *Roman* See, who had ſucceeded to *Conſtantine* in the Year 714. Altho' he in Conjunction with the *Romans* had greatly oppoſ'd the Deſigns of *Leo*; nevertheleſs being jealous of the Power of the *Longobards*, as all his Predeceſſors had been, he could not endure their Kingdom under *Luitprandus* an ambitious Prince, to become ſo powerful as to enable him to ruin his See and the Pontificate. On this Account, as the other *Gregory* had done, he was always careful of the Intereſt which the Emperors of the *Greeks* had in *Italy*, and took care that their Power might not decline in order to oppoſe the Deſigns of the *Longobards*, to hem in their Authority, and to curb their Power; therefore he oppos'd the Duke of *Beneventum*, and aſſiſted the *Greek Neapolitans* in keeping *Cuma* from being ſubjected by the *Beneventan Longobards*. And tho' he was bound in Duty to oppoſe the Deſigns of *Leo* in this Innovation of throwing down the Images, and had been moſt unworthily treated by the Emperor, even by threatning to drive him out of his See, and ſend him into Exile [1]; for all that, preferring the Publick Cauſe to Private Injury, he did his utmoſt to prevent the Revolt of the People of *Italy* who were under his Command, and defend the Lands of the Empire againſt the Invaſion of the *Longobards*.

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[1] Anaſt. in Greg. II. P. Warnefr. lib. 6.

HE had not a neighbouring Prince in *Italy* to whom he could have recourſe for Aſſiſtance to ſtop the Career of the *Longobards*. The ſingle Power of the *Greeks* was not ſufficient; the Republick of *Venice* was the only one remaining, which tho' riſen from a ſlender Beginning, was at this Time come to be of ſome Conſideration in *Italy*, inſomuch that the Exarch had fled thither for Shelter; in the mean Time *Gregory* recommended himſelf and apply'd to the *Venetians* for Aſſiſtance, and having wrote a very pithy Letter to *Urſus* their Duke, it had ſo good Effect, and ſo far influenc'd his Officers, that at laſt the *Venetians* were induc'd to reinſtate the Exarch in *Ravenna*, which they retook ſo ſuddenly from the *Longobards*, that *Luitprandus* could not ſuccour it from *Pavia*; the *Longobards* being driven out, *Ildeprandus* remain'd Priſoner in the Hands of the *Venetians*, and while *Peredeus* was making his Eſcape, he was miſerably kill'd.

THE Pope thought that *Leo* would have been grateful for ſo conſiderable a Service; whereupon he began to ſollicit him by Letters more preſſingly than ever [2], to give over his Undertaking. But *Gregory* was much deceiv'd in his Expectation, for this Prince, who knew very well that *Gregory* had beſtirr'd in getting him Aſſiſtance, more for his own Intereſt, than that of the Empire, was much more exaſperated ſeeing he continu'd ſtill to oppoſe his Deſign, and that by an open Revolt he had endeavour'd to ſhake off his Dominion; and knowing the Steadineſs of the Pope, that he would always be an Enemy to his Enterprize, he reſolv'd in earneſt to remove all Obſtacles; and becauſe it would be a very difficult Matter to compaſs his Ends by Force, he reſolv'd to have recourſe to Art and Treachery. The *Roman* Dukedom, as we have often ſaid, continu'd under his Dominion, and the Dukes were ſent by him to *Rome* to govern it. *Mauritius* was at this Time Duke of *Rome*, to whom he gave moſt ſecret Orders to befriend three of his Officers, who were at *Rome*; who lying in wait for the Pope's Life, had given their Parole to *Leo* to carry him to *Conſtantinople* dead or alive; but their Deſign did not ſucceed, and the Emperor thinking that it had miſcarried by the Negligence of ſome of his principal Officers, in the Year 725. ſent *Paul* a Patrician to *Italy* to command as Exarch [3], whom he injoin'd to ſee this Deſign put in Execution, upon which the three Conſpirators being aſſur'd of ſuch powerful Protection, made haſte to give the deſign'd Blow; but before they could put it in Execution the Conſpiracy was diſcover'd by the *Romans*, who were moſt vigilant for the Preſervation of a Pope for whom they had ſo great a Value; for they apprehended two of them, who were immediately put to Death; and the other eſcaping into a Monaſtery, turn'd Monk, and there ended his Days.

IN the mean Time the new Exarch, who was ſpurr'd on with moſt preſſing Orders from *Leo*, to leave no Stone unturn'd for getting the Pope into his Clutches, ſeeing all his Art and ſecret Ambuſhes came to nothing, the Pope being too well guarded by the *Romans*, at laſt, impatient of any longer Delay, in order to keep his Parole which he had given to *Leo* of putting *Gregory* into his Hands [4], reſolv'd to make uſe of open Force. Therefore as ſoon as poſſibly he could, he aſſembled ſome Troops, partly from *Ravenna*, and partly from the Army, which he had always ready for defending himſelf againſt the Inſults of the neighbouring *Longobards*, which he order'd to join the Imperial Forces which were too weak in *Rome*, and to carry off the Pope and conduct him to *Ravenna*.

BUT *Luitprandus*, a crafty and ſubtle Prince, tho' offended at *Gregory*, who had ſtirr'd up the *Venetians* to take *Ravenna* from him, as they had done, yet in this Pinch reſolv'd to aſſiſt the Pope and the *Romans* againſt the *Greeks*, in order to keep the Ballance even betwixt them, that by aſſiſting each Party, as he ſaw occaſion, he might divide, and by degrees weaken both the one and the other, and afterwards take Advantage of their Weakneſs. In the mean Time he gave Orders to the Governors of the Towns which he had in the neighbourhood of *Ravenna* and *Rome*, to join the *Romans*, who by ſo ſtrong Succours, being ſuperior in Strength to the Exarch, oblig'd him to ſtop near *Spoletium*, and at laſt give over his Undertaking, and return to *Ravenna*.

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[1] Sigon. ad A. 725.

[2] Ep. 1. & 2. Greg. ad Lion.

[3] Marq. Freher. in Chronol. Eſar. Rav.

[4] Anaſt. in Greg. II.

IN the mean Time *Leo*, otherwiſe not ſo unexpert in the Art of Government and Diſſimulation, altho' he had ſeen that his Force and Treachery had ſucceeded ſo ill, yet ſuffer'd himſelf to be ſo much led by his Paſſion, that not minding the great Detriment that ſo extravagant a Reſolution, which he had taken when he had leaſt Reaſon, would bring upon him, he believ'd that his Authority alone, without Force, would eaſily do what with Arms and Treachery could not be put in Practice; therefore, laying aſide all other Conſiderations, and conſulting only his Paſſion, at a very unſeaſonable Time, he ſtrictly repeated his Orders to the Exarch, to publiſh and put in Execution in *Rome*, and in all the Cities of *Italy* which were under his Empire, the Edict, which a little before he had fram'd in *Conſtantinople*. The Edict contain'd, as was ſaid, that all the Images, as ſo many Idols, ſhould be remov'd out of the Churches; moreover he promiſ'd the Pope his Favour, provided he obey'd; if not, he declar'd him Contumacious, and no longer veſted with the Papal Dignity.

THERE never was ſeen a more ready, or a more general or better concerted Reſolution than that which was taken over all *Italy*, and eſpecially at *Rome*, immediately upon the Publication of this Edict.

GREGORY being now ſecure of a hearty Aſſiſtance both from the *Italians* and *Longobards*, and ſeeing that *Leo* had broke all Squares, and now openly attack'd not only his Perſon, but Religion likewiſe; reſolv'd at firſt to employ all his Pontifical Authority, and the Spiritual Arms of his Office, in order to hinder ſo deteſtable an Edict from being received in *Italy*. He began with ſolemnly Excommunicating the Exarch and all his Accomplices. Afterwards he ſent Apoſtolical Letters to the *Venetians*, to King *Luitprandus*, and to the *Longobard* Dukes, and to all the Cities of the Empire, by which he exhorted them to continue ſtedfaſt and immoveable in the Catholick Faith, and to oppoſe the Execution of that Edict with all their Might.

Theſe Letters made ſuch an Impreſſion upon the Minds of the People, that all thoſe of *Italy*, tho' of different Intereſts, and often at War with one another; to wit, the *Venetians*, *Romans*, and *Longobards*, united in one Body, animated with the ſame Spirit, to act in concert for defending the Catholick Faith, and the Life of the Pope, proteſting that they would preſerve it with the Hazard of their own in ſo glorious a Cauſe. But as 'tis difficult in the Heat of a new Commotion, even when the Deſign of it is for doing good, to keep within juſt Bounds, ſo they exceeded thoſe of a lawful Defence; for not only the *Romans*, and thoſe of *Pentapolis*, which is now *la Marca d'Ancona*, took up Arms, and join'd the *Venetians*, who were the firſt that arm'd; but by carrying their Zeal further, openly ſhook off the Yoke. Not contenting themſelves with having thrown down the Statues of *Leo*, they would no longer acknowledge him for their Emperor, and elected new Magiſtrates for governing them during the Interreign, which they pretended to do by their own Authority. They even went further, and at laſt carried the Matter almoſt to the utmoſt Extremity; being reſolv'd to elect another Emperor, and conduct him to *Conſtantinople* with a ſtrong Army, to place him in the Room of *Leo*; but the Pope not thinking this Reſolution ſeaſonable, nor proper at that Time, oppos'd it, ſo that it did not take Effect[1].

BUT this did not prevent the Fate of *Leo*, which terminated in his Loſs of the Exarchate of *Ravenna*, the Dukedom of *Rome*, and had very near loſt that of *Naples*, and with it all his Authority in *Italy*: The People being now in a Commotion, immediately turn'd into Factions and Parties. *Paul* the Exarch had gain'd a great many of them in *Ravenna*, who baſely comply'd for Intereſt, or hopes to advance themſelves to better Poſts. But the oppoſite Party, which the Pope ſupported, being the ſtrongeſt and moſt numerous, could not endure the Exarch, therefore they mutinied, and a violent Sedition ariſing, or rather a kind of a Civil War betwixt the two

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[1] P. Warnefr. lib. 6. Regin. lib. 1. Chron. Sigon. ad annum 726.

Parties, they took themſelves to Arms, in order to deſtroy one another. The Catholick Party, as the ſtronger, after coming to Blows, remain'd victorious, having made a terrible Slaughter of all the *Iconoclaſts*, without ſo much as ſparing the Exarch, who was kill'd in the Tumult. Theſe were the Cauſes of the Emperors of the Eaſt's loſing many Cities in *Romagna*, which belong'd to the Exarchate, and all the other Cities of *la Marca*, which ſurrender'd to *Luitprandus* King of the *Longobards*. For this cunning Prince, who had enter'd into this War on no other account but to take an Opportunity of aggrandizing himſelf at other Peoples Coſt, did not fail to improve this Revolt, and to cloak it with the Pretence of Religion for compaſſing his Ends, according to the Maxims of human Policy. He ſuggeſted to theſe People on the one hand, that they could never preſerve their Religion under an Emperor, who was not only a Heretick, but likewiſe a Perſecutor of the Orthodox; and on the other hand, that they were too weak to reſiſt the Power of any potent Prince who might attack them at a Time, when perhaps other Intereſts might hinder their Friends from aſſiſting them: Thus thoſe Cities, in this Commotion, following ſuch Advices only as were inſtill'd into them, either out of Hatred or Fear mix'd with Zeal, and the Love of Religion, after having ſhook off the Yoke of the Empire, put themſelves under the Dominion of the *Longobards*. An Inſtance which may let Princes ſee what mighty Influence Religion has on the Minds of People; whence they may learn, that it cannot be alter'd without the Danger of giving a violent Shock to the chief Hinges of their States.

SECT. III.

The Dukedom of Naples *keeps its Allegiance to* Leo Iſauricus.

WHAT the Predeceſſors of *Luitprandus*, in a long Tract of Time and Wars, could not compaſs, he at once was near accompliſhing, by making himſelf Maſter of the Dukedom of *Naples*, as he had done of many Cities of the Exarchate of *Ravenna*. The Dukedom of *Naples*, as we have ſaid, was govern'd by a Duke whom the Emperors of the Eaſt were wont to ſend from *Conſtantinople*. In the Time of *Leo*, this City was govern'd for him by *Exhilaratus* Succeſſor of *John*, who being ſpurred on by the preciſe Orders of *Leo*, urged the People of *Campania* to receive the Edict, and to comply with the Religion of their Prince. He had likewiſe ſuborn'd ſome Men to murder the Pope, by promiſing them great Rewards if they ſhould ſtrike that Blow, which he ſaid was abſolutely neceſſary for the Quiet of *Italy*. This execrable Villainy being diſcover'd by the *Neapolitans*, who were always moſt devoted to the Popes, and moſt tenacious of the Doctrine of the Church of *Rome*; it appeared to them ſo horrid and monſtrous, that laying aſide all other Conſiderations, except that which kindled their Indignation, in order to revenge this outragious Attempt, they took Arms, and amidſt theſe Commotions and Tumults, revolted from the Duke *Exhilaratus*, who not having wherewithal to make Reſiſtance, was murder'd, together with his Son *Adrian*; and one of his chief Officers, who was accus'd of having compos'd a ſeditious Libel againſt the Pope, likewiſe loſt his Life [1].

BUT the *Neapolitans* carried their Reſentment no further, neither did they fail in their Duty to their Prince, as the other Cities had done; neither would they have any recourſe to the *Longobards*, who had a watchful Eye on ſo fair an Opportunity; nor baſely ſubject themſelves to them, for fear of diſobliging the Emperor, or, what is more likely, becauſe they mortally hated one another on Account of the continual Wars which had always been betwixt them; ſo that neither *Luitprandus* nor the *Beneventan Longobards* ſucceeded in making Advantage of ſo fine an Occaſion. By which means this Dukedom continued firm and conſtant in their Obedience to their Prince, when all the other Dominions which the Emperors of the Eaſt had in *Italy* began to fail; whereupon *Peter* was appointed Duke of *Naples* in the Room of *Exhilaratus*: And the *Neapolitans* continu'd to live under the Empire of the *Greeks* until, after a very long Tract of Time, their Dukedom was at laſt conquered by the *Normans*, as we ſhall relate in the following Books.

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[1] Sigon. ad ann. 726. Maimb. hiſt. Iconocl.

LEO, upon the Advice of ſo general a Revolt, was much amaz'd; but, inſtead of removing the Cauſe of ſo great an Evil, he rather added to it, till he made it incurable; which at laſt caus'd him likewiſe to loſe the Dukedom of *Rome*, without hopes of ever recovering it; and would have alſo loſt him that of *Naples*, and all his Authority in *Italy*, if the Steadineſs of the *Neapolitans*, and the Averſion which they had to the *Longobards*, had not put a Stop to it. He ſtill perſevering in his wicked Deſign againſt the Life of the Pope, believing him to be the Author of all theſe Miſchiefs, as ſoon as he had heard of the Death of *Paul* the Exarch, and the Revolt of *Campania* againſt the Duke of *Naples*, in the Year 727, ſent the Eunuch *Eutychius* to *Ravenna* in the Quality of Exarch [1], who was one of the moſt wicked Men upon the Earth, and the moſt fit for putting in Execution the moſt impious and difficult Undertaking. He ſet about corrupting the Governors of the Towns, which were ſubject to the *Longobards* in the Neighbourhood of *Naples* and *Rome*, in order only to get them to diſſemble, and not to do all that they could for defending the Pope: But that baſe Artifice had not all the Succeſs which he expected; for a Meſſenger that was privately ſent to *Rome* by this Eunuch, was taken by the *Romans*, and expreſs Orders from the Emperor being found about him to all his Officers to riſque every thing in order to murder the Pope; they were for cutting him in Pieces, if *Gregory* had not hindered it, contenting himſelf only with Excommunicating *Eutychius* [2].

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[1] Freher. in Chron. Eſarc. Raven.

SECT. IV.

The Origin of the Temporal Dominion of the Popes in Italy.

GREGORY was truly very much perplexed; for though *Luitprandus* and his *Longobards* pretended to defend him againſt the Power of *Leo*, yet he knew very well, that this Zeal was deſign'd not ſo much for his Service and Preſervation, as for taking Advantage of other Peoples Quarrels; for which Cauſe he had no great Reaſon to put much Truſt in them, as the Event demonſtrated. Whereupon the *Romans*, abominating the Impiety of *Leo*, into which he ſtrove to involve them by his Edict on the one hand, and on the other, being jealous of the Ambition of *Luitprandus*, who thirſted after nothing ſo much as to be Maſter of the *Roman* Dukedom; at laſt reſolved to ſhake off the Yoke of *Leo*, and to keep themſelves united under the Government of the Pope, to whom they took an Oath to defend him againſt the Power of *Leo* and *Luitprandus*. This was the Origin, and theſe were the firſt Foundations that were laid, upon which, in Proceſs of Time, the Temporal Dominion of the Popes came to be eſtabliſhed in *Italy*. From this Inter-reign which the *Romans* made, began their Dominion, who having ſhaken off *Leo*, were all united under the Pope as their Head, but not yet as their Prince.

BUT though *Eutychius* found his Deſign thwarted, yet he had Courage to go on in it; for having recruited his Army the beſt Way he could, he went to *Ravenna*, and the Factions continuing yet in that City, it was eaſy for him, ſeeing his Party was ſuccoured with ſuch powerful Aſſiſtance, to recover it, and reduce the People of *Ravenna* to the Obedience of their Prince. He conſidering that all *Italy* was loſt as to him, and that he could never ſuppreſs the Pope and the Obſtinacy of the *Romans*, as long as *Luitprandus* was ready to ſupport them; employed all his Cunning and Policy to take off that Prince from the Pope's Intereſt and that of the *Romans*, and to bring him over to his own. At this very Time, *Traſimund* Duke of *Spoletium* had rebelled againſt *Luitprandus*, who finding it very hard to ſuppreſs him, reſolved to bring him to condign Puniſhment. The King was likewiſe appriz'd priz'd of the firm Reſolution the *Romans* had taken to ſubject themſelves to the Pope, that all his Art and Flattery would not avail for bringing them under his Obedience, and that there was nothing to be done but by meer Force. For theſe Reaſons, the Exarch offered him his Army for ſuppreſſing firſt the Rebellion of *Traſimund*, as having concerned himſelf in that War for no other End, but in order to take hold of all the Opportunities, with which it might furniſh him of making great Advantage by the one or other Party. *Eutychius* had no great Difficulty to draw him into his Meaſures: The King then forgetting the Obligations he lay under to the *Romans*, and his Promiſe to defend the Pope and Religion againſt the Inſults of the Emperor, accepted theſe Offers, and concluded a Treaty with *Eutychius*, who immediately join'd his Army to that of the King, and went along with him to the War which he was entering upon againſt the Duke of *Spoletium* his Rebel, which did not laſt long; for *Traſimund* was ſo much ſurpriz'd with that Confederacy, which he did not in the leaſt dream of, that no ſooner was *Luitprandus* come before *Spoletium*, than he caſt himſelf at his Feet, begging Forgiveneſs, which he obtain'd: He was likewiſe re-eſtabliſh'd in his Dukedom, and took a new Oath to the King, and gave Hoſtages for his Fidelity.

THE Opportunity of employing their Arms againſt the Rebels being ſo ſoon over, in purſuance of the Treaty with *Eutychius*, they were turn'd againſt the *Romans*, and *Luitprandus* came with the two Armies and ſat down before *Rome*, incamping in the Meadows of *Nero*, which are betwixt the *Tyber* and St. *Peter's* Church, over-againſt Caſtle St. *Angelo*. *Gregory* being appriz'd of the Preparations of *Luitprandus*, had cauſed the City of *Rome* to be fortified the beſt way he could; but perceiving that he could ill reſiſt ſuch warlike Preparations with Force, and having before his Eyes the Example of the Duke of *Spoletium*, who, by requeſt, had obtain'd, from the Piety of *Luitprandus*, what he could not have expected by Arms, reſolv'd to imitate him, and, without conſulting human Prudence, which would never have perſuaded him to go and deliver himſelf up into the Hands of his Enemies till he had cautiouſly guarded againſt the worſt that could befal him, accompanied with the Clergy and ſome *Roman* Barons, went to the King. *Luitprandus*, ſurpriz'd at ſuch an unexpected Action, could not reſiſt the Impulſes of Courteſy, which were very natural to him, and receiv'd him with all the Reſpect due to the Sanctity of his Life, and the auguſt Character of *Roman* Pontiff. Then it was, that *Gregory* taking upon him that Air of Majeſty, which Vertue alone, accompanied with ſo high a Dignity, inſpires, began with all Force imaginable, temper'd with tender Affection, to diſplay the Power of his Eloquence, taxing him with the Breach of Faith; the Harm he did to Religion, for which he had been ſo zealous; and laying before him the great Prejudice he would do to his Kingdom, if he fail'd to protect the Church, he conjur'd him to leave off his Undertaking, and turn his Arms another way. *Luitprandus* either inwardly touch'd with Remorſe, or that at this inſtant he ſaw many Things, which he had not thought of in the Heat of his Paſſion, or becauſe Men, as they cannot be altogether good, ſo neither can they be altogether bad; was ſo ſtruck with theſe Remonſtrances of *Gregory*, that, without inſiſting on the Juſtification of his Conduct, or ſeeking Excuſes, in ſome meaſure to vindicate his Honour, he caſt himſelf at his Feet in the Preſence of all, confeſſing his Fault, proteſting that he would repair it immediately; and for the Time to come never ſuffer any Injury to be done the *Romans*, nor the Majeſty of the Church to be violated in the Perſon of him who was the Father and Head of it. When the Exarch inſiſted that the Emperor's Orders might be obeyed [1], he not only did not give Ear to him, but in order to give the Pope a more ſecure Pledge of his Word, he intreated him to go along with himſelf to the Cathedral Church of S. *Peter*, which at this Time was without the Walls of the City, and there, in Preſence of all the Chief Men of his Army, who had follow'd him, he caus'd himſelf to be diſarm'd, and laid his Girdle, his Sword, his Gauntlet, his Royal Mantle, his Crown of Gold, and Croſs of Silver, upon the Apoſtle's Sepulchre; afterwards he begg'd of the Pope, that he would receive *Eutychius* into his Favour, of whom he needed be no longer in fear, ſeeing he was not now ſupported by the *Longobards*. *Gregory* ſtill hoping that *Leo* ſome time or other would acknowledge his Errors, conſented to this Demand: So that *Luitprandus* retiring with his Army to his own Dominions, the Exarch was receiv'd in *Rome*, and continu'd for ſome Time very peaceable, and in a good Underſtanding with the Pope. At this very Time it happen'd that an Impoſtor, who call'd himſelf *Tiberius*, and bragg'd of his being deſcended of the Emperors, had ſeduc'd ſome People in *Tuſcany*, who had proclaim'd him Emperor [1]: *Gregory*, who ſlipp'd no Opportunity of obliging *Leo*, perceiving that the Exarch had not Forces ſufficient to cruſh him, manag'd Matters ſo with the *Romans*, that they accompanied him in this War againſt the Tyrant, who was beſieg'd and taken in a Caſtle, and his Head ſent to the Emperor.

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[1] Sigon. ad A. 729.

BUT *Leo* being ſtill more obdurate, carried his Paſſion to the utmoſt Extremity; for in the Eaſt where he govern'd more abſolutely, and had no-body to controul him, he fill'd every Place with Slaughter, Tears, and Blood; he caus'd the Pictures in all the Churches to be defac'd; he publiſh'd an Order whereby he commanded all the Inhabitants, eſpecially thoſe who had Care of Churches, to put in the Hands of his Officers all the Images, that by burning them all at once, he might purge the City. But the Execution prov'd ſo odious, not ſparing Age or Sex, that at laſt it occaſion'd the Loſs of what was yet remaining in the Weſt, to *Leo* and his Succeſſors for ever; for the Pope finding that it was not in his Power to reclaim this Prince, and being afraid leſt ſome time or other, he might do in the Weſtern Provinces, what he heard with extreme Grief, he had done in thoſe of the Eaſt; he ſlacken'd the Reins by which hitherto he had kept the *Romans* in the Obedience to their Prince, and leaving them to their Choice, and to do what they thought fit; at laſt he approv'd of that which hitherto he had endeavour'd to hinder, and what the People had already begun to do of themſelves; whereupon the *Romans* renouncing their Allegiance to *Leo*, withdrew themſelves altogether from under his Dominion, paid him no more Tribute, and united themſelves together under the Direction of *Gregory* as their Head, but not as their Prince.

SOME of our Writers, from the Authority of *Theophanes*, *Cedrenus*, *Zonara*, and *Nicephorus*, *Greek* Authors, who flouriſh'd long after *Gregory* and *Paul Warnefride*, and *Anaſtaſius Bibliothecarius*, relate, that the *Romans* having ſhaken off the Yoke, elected *Gregory* for their Prince, by taking an Oath of Fidelity to him; and that the Pope accepted the Principality of *Rome*, and order'd the *Romans*, and all the reſt of *Italy*, to pay no more Tribute to the Emperor, and beſides abſolv'd the Vaſſals from the Oath to the Empire; publickly and ſolemnly excommunicated the Emperor *Leo*, depriv'd him not only of his Dominions in *Italy*, but alſo of all the Empire: Whence the independent Dominion of the Pope over *Rome* and its Dukedom, had its riſe; which afterwards by the Bounty of *Pepin* and *Charles the Great*, extended itſelf to the Exarchate of *Ravenna*, *Pentapolis*, and many other Cities of *Italy*.

THE *French* Writers, and amongſt the reſt the Archbiſhop of *Paris*, *P. de Marca* [2], and thoſe two famous Divines *Natalis* and *Du Pin* [3], deny, that *Gregory*, a wiſe and prudent Pope, had given way to ſuch an Exceſs; the Letters of the ſame Pope [4], *Warnefride*, *Anaſtaſius*, *Bibliothecarius*, *Damaſcenus*; the Letters likewiſe of *Gregory* III. and *Charles the Great* to *Conſtantine* and *Irenæus*, are convincing Proofs that theſe Stories are fabulous; to wit, that *Gregory* excommunicated *Leo*, accepted of the Principality of *Rome*, abſolv'd the Vaſſals from their Oath to the Empire, and from paying Tribute, and depos'd the Emperor; and aſſure us, that *Gregory*, tho' in a thouſand ways offended, was always very ſerviceable and faithful to *Leo*, and had on many Occaſions hinder'd the People from revolting, and endeavour'd to keep them from riſing againſt their Prince. 'Tis true he oppos'd the Edicts of *Leo* for aboliſhing the Images, commanding them not to be obey'd, and exhorting that Prince to give over the Deſign he had undertaken; but we read not in ſo grave Authors that he excommunicated him. The firſt Pope who boaſted of his having darted his Thunder-bolts at Imperial Heads, was the famous *Hildebrand Gregory* VII. which we ſhall obſerve in its Place, and not *Gregory* II. What *Anaſtaſius* writes, is moſt clear [5]; he tells us, that after *Leo* had depos'd *Germanus* Patriarch of *Conſtantinople*, for his not conſenting to the Edict, and appointed *Anaſtaſius* the *Iconoclaſte* in his Room, *Gregory* excommunicated *Anaſtaſius* for perſevering in his Error; but only rebuk'd, admoniſh'd, and exhorted the Emperor by Letters to deſiſt from his

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[1] Anaſt. Biblioth. in Greg. II.

[2] P. de Marca de Concord. Sacer. & Imp. lib. 3. cap. 11. num. 2.

[3] Du Pin, de Antiq. Eccl. diſc. diſſ. 7.

[4] Greg. II. in Ep. 1. ad Leonem.

[5] Anaſt. ad A. 658.

Enterprize, but did not excommunicate him, as *Anaſtaſius* writes. And what is ſaid of *Gregory*'s having depos'd *Leo*, is yet more fabulous; for this Pope acknowledg'd *Leo* as Emperor as long as he liv'd; and *Gregory* III. his Succeſſor, did the ſame, who had a Correſpondence with him; and we read many of his Letters directed to the Emperor, full of great Humanity and Reſpect. 'Tis the more certain that he acknowledged him as ſuch, becauſe the Dates of his Letters bear the Years of his Empire, as that of *Gregory* directed to *Boniface*, *Imperante Domino piiſſimo Auguſto Leone, Imperii ejus* XXIII.[1].

OUR Modern *Latin* Writers, miſled by the Authority of theſe *Greek*, have taken their Fables for Truths; but they did not advert, that the Authority of our ancient *Latin* Writers, who flouriſh'd firſt, and related Things which fell out in Times and Places not ſo remote and diſtant from them, ought to have weigh'd more with them. They likewiſe did not advert, that the *Greeks* of theſe latter Times, beſides the Character of their Nation, which has always obtruded Lyes and Fables upon the World, had all an Averſion for the Church of *Rome*; and in order to ſtir up the Minds of Men to a Hatred of, and to draw Envy on, the *Roman* Pontiffs, they repreſented them to the World as Authors of Innovations and Revolutions, by imputing to them the Ruin of the Empire of the Eaſt, calling them Innovators, Ambitious and Uſurpers of the Temporal Authority of Princes; and that they, ill imitating our Head and Maſter Jeſus Chriſt, from Prieſts, were become Princes.

THE Fables of theſe *Greek* Schiſmaticks were afterwards greedily, and with pleaſure ſwallow'd by our modern Innovators, and the moſt furious Hereticks of theſe our latter Times: Who likewiſe from the Authority of thoſe, by all means will have it, that *Gregory* truly excommunicated *Leo*; that he abſolv'd the Vaſſals of the Empire from their Oaths; that he depos'd the Emperor, order'd that no more Tribute ſhould be paid him; and that being offer'd the Sovereignty of *Rome* by the rebellious *Romans*, he accepted, and became Prince thereof. *Spanhemius*[2], amongſt others, cries out mightily againſt the *French* Writers, who take theſe Accounts concerning *Gregory* to be fabulous; he ſays, that they writing in the Reign of *Lewis the Great*, were fain to deny theſe Facts, *Ne ſub Ludovico magno, Romano in Pontifice hujuſmodi poteſtatem agnoſcere viderentur*: But they themſelves by all means will have them to be true, in order to make a Compariſon betwixt our Saviour Jeſus Chriſt and the Pope. When the Multitude taken with his Miracles, offer'd to make our Saviour King, he immediately left them, and anſwer'd, *That his Kingdom was not of this World*; the Pope, when the rebellious *Romans* had ſhaken off the Yoke of *Leo*, and offer'd the Principality to *Gregory*, he immediately conſented, and became their Prince. Chriſt expreſly commanded Tribute to be paid to *Cæſar*; the Pope ordain'd, that no more Tribute ſhould be paid to *Leo*: By theſe and the like *Antitheſes*, and by ſuch Methods, without either Rhime or Reaſon, they afterwards broke into that Blaſphemy of making the Pope to be Anti-Chriſt.

WHO would believe, that the greateſt Sticklers for the *Greek* Schiſmaticks, and the greateſt Abettors of theſe furious Hereticks, are now the modern *Romans*, and the Writers moſt addicted to that Court? Theſe, tho' for another end, will likewiſe have it, that *Gregory* excommunicated *Leo*, depos'd him, order'd that Tribute ſhould not be paid him, and, which is more, that being offer'd the Principality by the rebellious *Romans*, he accepted of it; whence ſprung the Temporal Dominion of the Popes in *Italy*. Thus, not to mention others, our Jeſuit Hiſtorian, Author of the new Hiſtory of *Naples*, writes[3]: *Tum tandem Romani Orientalis Imperii jugum excuſſerunt, Gregorium Dominum ſalutarunt, eique Sacramentum dixerunt, &c. Gregorius oblatum ultrò Principatum ſuſcepit: Quem non arma, non humanæ vires, arteſque, ſed populorum ſtudia, Anno 727. auſpicato contulerunt.* Such a Beginning the Hereticks exactly give to the Temporal Dominion of the Popes, founding it upon the Rebellion of the *Romans*; and that *Gregory*, ill imitating our Saviour, did accept of the Principality, and the *Servant of Servants* became Lord and Maſter. But by what we ſhall relate hereafter, it will clearly appear, that altho' it did take its Riſe from theſe ſlender Beginnings, nevertheleſs it was not then that the Pope acquir'd the Sovereignty of *Rome*, but many Years after; neither during all the Interreign which the *Romans* of their own Authority pretended to make, were there Officers of the *Greek* Emperor wanting in *Rome*; and we can demonſtrate, that the firſt Acquiſitions were in the Exarchate of *Ravenna*, in *Pentapolis*, and afterwards in the *Roman* Dukedom, and not in the City of *Rome*, on the Occaſions which we ſhall preſently relate.

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[1] Greg. III. ep. 3. ad Bonifac. P. de Marca de Conc. Sac. & Imp. lib. 3. cap. 11. num. 5.

[2] Spanheim. contra Maimburg. in Hiſtor. Imag. pag. 52.

[3] Giannettaſ. hiſt. Neap. lib. 5. pag. 94.

SECT. V.

Pope Gregory II. *and his Succeſſor* Gregory III. *were the firſt that had recourſe to* France *for Succour.*

THE Emperor *Leo* being adviſ'd of theſe moſt important Events, and more furiouſly inrag'd againſt the Pope, immediately confiſcated all the Patrimonies which the Church of *Rome* had in *Sicily*, *Calabria*, and in all his other Dominions; and was preparing a powerful Army in order to chaſtiſe the *Romans* for their Rebellion; to recover the other Towns to his Obedience; and to revenge himſelf fully upon the Pope, whom he took to be the Author of all theſe Revolts: Wherefore *Gregory* dreading leſt ſo conſiderable warlike Preparations might be deſign'd for cruſhing him, if he was not ſupported by a Power able to cope with *Leo*, reſolv'd to pitch upon a Protector in whom he might find all the Support and Aſſiſtance neceſſary. He could not truſt the *Longobards*, whoſe Deſigns and Treachery he knew from long Experience. The *Venetians*, tho' moſt zealous in the Defence of the Church, were not as yet ſo ſtrong in *Italy*, as to be able alone to withſtand all the Power of the *Greek* Emperor, eſpecially when they were jealous of the *Longobards*, who were more troubleſome Neighbours. And as for *Spain*, it was in a moſt lamentable Condition at that Time, being almoſt wholly ruin'd by the *Saracens*. Therefore he reſolv'd to have recourſe to the Power of the *French*, whoſe Conſtancy in the Catholick Faith had always been moſt firm. They had been now above fifteen Years govern'd by *Charles Martel*, who, on account of the Inſufficiency and Puſilanimity of the King, being rais'd to be the Steward of the Houſhold, the firſt Honour of the Kingdom, rul'd that Realm with an abſolute Sway, and was become famous for a thouſand glorious warlike Expeditions in *France* and *Germany*, and eſpecially for the remarkable Overthrow given the *Saracens* in the Field of *Tours*; he was generally reputed the greateſt Captain, and the true Hero of his Time.

GREGORY ſent to this great Prince, which no other Pope had ever done before, a magnificent Embaſſy with many Relicks, to beg Aſſiſtance againſt the Attempts of *Leo*, and that he would take the *Romans* and the Church under his Protection[1]. The Ambaſſadors were receiv'd by *Charles* with extraordinary Honours, and a Magnificency becoming the moſt auguſt Prince of his Age; and in a ſhort Time the Treaty was concluded, by which *Charles* oblig'd himſelf to go to *Italy* in order to defend the Church and the *Romans*, if they ſhould be attack'd by the *Greeks* or *Longobards*; and the *Romans* on the other hand were to acknowledge him for their Protector, and to confer the Honour of Conſulſhip, as had been done formerly by the Emperor *Anaſtaſius*, to the great *Clovis*, after he had defeated the *Weſtrogoths*. And when the Ambaſſadors return'd, loaded with rich Preſents, and pleas'd with ſo ſucceſsful a Negotiation; *Gregory* having nothing more to fear concerning the Church, to which he left ſo powerful a Protector, ended his Days in the Year 731, with the Fame of ſingular and eminent Virtues, which made him deſerve upon Earth, the Honours which are only aſcrib'd to the Saints in Heaven.

GREGORY III. ſucceeded, and ſome have written[2], that it was he who ſent this Embaſſy to *Charles Martel*, becauſe *Luitprand*, after having defeated *Traſimund* Duke of *Spoletium*, who had rebell'd a ſecond Time, taking Advantage of his Victories, had anew invaded the *Roman* Dukedom, and laid cloſe Siege to *Rome*, being offended at *Gregory* for having entertain'd the Rebel; and when the Prayers and Eloquence of the Pope had not the ſame Effect as thoſe of his Predeceſſor, at laſt he had recourſe to the Aſſiſtance of *Charles*, by whoſe Mediation he obtain'd, that *Luitprand* being ſatisfied with four Cities only, ſhould raiſe the Siege, and leave *Rome*, and the reſt of the Dukedom, to the *Romans* and the Pope. But be this as it will, 'tis certain, that from the Pope's having recourſe to *France*, the *French* began to concern themſelves in the Affairs of *Italy*; the Conſequence of which was, that by this mutual Aſſiſtance, each of the Parties plotting to advance their own Intereſt; at laſt the *Longobards* being driven out, the *French* came to rule in *Italy*: The Kingdom of *France*, from the *Merovingian*, was tranſlated to the *Carlovingian* Race; and on the other hand, the Popes were eſtabliſh'd in *Rome* and the *Roman* Dukedom, with a great Part of the Exarchate of *Ravenna* and *Pentapolis*, as we ſhall relate by-and-by.

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[1] Zonar. Append. ad Greg. Touron.

[2] Sigon. ad A. 739.

SECT. VI.

Conſtantinus Copronimus, *ſucceeds to his Father* Leo. *The Death of* Luitprandus *King of the* Longobards.

THE Affairs of *Italy* being in ſo great Confuſion, and by various Accidents the Power of the Emperor *Leo* always more and more declining, nothing but the Shadow of Authority remain'd there. The Exarchate of *Ravenna* being much curtail'd by the Conqueſt of the *Longobards*, was now ready to go to ruin, without Hopes of Recovery; the Dukedom of *Rome* was in the Hands of the *Romans*, and the Pope their Head, whom they obey'd; and tho' there were as yet ſome Veſtiges of Sovereignty remaining in *Rome*, *Leo* having ſtill his Officers there; nevertheleſs his Authority was ſo very weak, that it was evident it would in a very ſhort Time be altogether aboliſh'd in that City; he had no full Power and Dominion but only in the Dukedom of *Naples*, in *Calabria*, the *Brutii*, and in ſome other maritime Cities of the Kingdom, which had not as yet fallen into the Hands of the *Beneventan Longobards*. But *Leo Iſauricus* dying in the Year 741, and his Son *Conſtantinus Copronimus* ſucceeding to him in the Eaſt, its Ruin was compleated; *Conſtantine* having none of the good Qualities of the Father, exceeded him infinitely in the Bad; and, if Credit may be given to the *Greek* Writers, he was the moſt wicked and ugly Monſter that ever the Earth produc'd [1]. He was no ſooner ſole Emperor, than he ſhew'd himſelf more furious againſt Images than his Father had been, and publiſh'd an Edict, by which he not only condemn'd the Images of the Saints, but likewiſe forbid the Invocation of them, and the very Title of Saints; and carrying his Fury further, he was alſo outragious againſt their Relicks, by ordering the greateſt Violence and Diſreſpect in the World ſhould be offer'd them: Therefore he perſecuted the Defenders of the Images, and on that account baniſh'd many Biſhops. But he render'd himſelf much more impious, and abhorr'd by all for the Hatred he had conceiv'd againſt the Mother of God, in prohibiting any Holy-Day whatſoever to be obſerv'd in Honour of her, and that none ſhould implore the Aſſiſtance of God by her Interceſſion, aſſerting, that ſhe had no Power either in Heaven or on Earth.

THIS execrable Impiety, together with many more wicked Inſtances of the ſame nature, and his abominable Vices, render'd him ſo odious to his Subjects, that he not only loſt that Shadow of Dominion which he had in *Rome* and *Ravenna*, but was like to have loſt the whole Empire.

IN the ſame Year that *Leo* died, *Gregory* III. likewiſe departed this Life, and was ſucceeded in the Pontificate by *Zacharias*; to him the Church of *Rome* ow'd her Temporal Dominion, much more than to the two *Gregory*'s, for he knew how to raiſe it upon the Ruins of the *Greek* Empire, and to make greater Acquiſitions; foraſmuch as he no ſooner had mounted the Chair, than he ſent Ambaſſadors to *Luitprandus*, to demand the four Cities, which by the Mediation of *Charles Martel* had been given him when he rais'd the Siege of *Rome* for the ſecond Time. And altho' the Ambaſſadors were honourably receiv'd by *Luitprand*, and got ſome Hopes of the Reſtitution, nevertheleſs *Zachary* obſerving that the Affair was protracted, and intending to imitate *Gregory*, went with all the Clergy of *Rome* to find the King, and being receiv'd with extraordinary Marks of Reſpect; his Motives were ſo ſtrong and effectual, that he not only obtain'd from the Piety of this Prince, the Reſtitution requir'd, but likewiſe eſtabliſh'd a Peace betwixt them for twenty Years: He alſo got the *Sabinian* Patrimony to be reſtor'd, and made many other Acquiſitions beyond his Expectation. And this Pope was ſo ſucceſsful with *Luitprand*, and ſo much in his Favour, that when in the latter end of his Reign, impatient of Repoſe, according to his wonted Cuſtom, he deſign'd to attack *Ravenna* anew, *Eutychius* the Exarch had recourſe to the Mediation of the Pope, who wrought ſo upon *Luitprand*, as to make him lay aſide that Expedition, and even to reſtore ſome Places which he poſſeſs'd, eſpecially *Ceſena*.

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[1] Sigon. ad A. 741.

BUT while theſe Things were tranſacting in *Italy*, *Luitprand*, after having reign'd 32 Years, ended his Days in *Pavia*, in the Month of *July* in the Year 743 [1]. A Death as ſudden as doleful to the *Longobards*, and never enough to be lamented by them; he was bury'd in ſolemn Pomp in the Church of S. *Adrian the Martyr*, in *Pavia*, with the higheſt Commendation, and lofty Encomiums [2]. A Prince, laying aſide his exceſſive Ambition of Empire, indued with all the Perfections deſirable in a King, either for Peace or War; he inlarg'd the Bounds of his Dominion [3], and tho' brought up from a Child amongſt Arms, had nothing of Pride or Cruelty in him, but was rather moſt courteous, and always inclin'd to uſe Clemency, even towards thoſe who had offended him; he was more knowing and ſufficient than all thoſe of his Council. All his Laws were wiſe and prudent; and tho' he had not cultivated his Mind with Learning, yet by the Strength of his own natural Parts he had attain'd all the Force and Subtlety of a Philoſopher.

THERE are remarkable Monuments of his Piety towards God ſtill remaining; he was magnificent in founding of Churches and fine Monaſteries, of which *Warnefride* gives us the Number [4], and to this Day the Veſtiges of them are admir'd; he was chaſte, and compaſſionate to the Poor, and of ſo good natural Parts, that of all the *Longobard* Princes that reign'd in *Italy*, all Writers deſervedly give him the greateſt Commendation. He left the Kingdom to *Hildebrand* his Nephew, whom in the laſt Years of his Life he made his Partner; but his Government laſted but a ſhort while, ſeven Months having ſcarcely paſs'd [5], when the *Longobards* finding that becauſe of his Inſufficiency they could not expect a happy and good Government, they turn'd him out of the Throne, and ſet up *Rachis* Duke of *Friuli*, a Prince adorn'd with excellent Qualities and uncommon Piety.

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[1] Erchemp. pag. 5. apud Camil. Pel. hiſt. Princ. Longob.

[2] P. Warn. de geſt. Long. l. 6. c. 58. ſeu 19.

[3] Erch. apud Pellegr. p. 5. loc. cit. P. Warn. lib. 6. c. 18.

[4] P. Warn. lib. 6. c. 18.

[5] Erch. apud Pellegr. p. 5. loc. cit.

CHAP.

CHAP. I.

Of RACHIS King of the Longobards, and his Laws.

RACHIS, to the unſpeakable Satisfaction of all, mounted the Royal Throne in the Year 744. In the Beginning of his Reign, he gave very evident Tokens of a quiet Diſpoſition, and was inclinable by all means to live in Peace; he confirm'd the Peace with *Zachary* which had been made with *Luitprandus* ſome Years before; and following the Example of the other *Longobard* Kings, would likewiſe add new Laws to thoſe of his Predeceſſors, and ſoften the Rigour of ſome of them. He having conven'd the States of the Kingdom in *Pavia*, in the Year 745, publiſh'd them by his Edict, which, after the manner of his Forefathers, he caus'd to be eſtabliſh'd over all the Kingdom. We read this Edict as yet intire in the often mention'd Code of the Monaſtery of the Cave, which contains eleven Chapters. The firſt begins, *Ut unus quiſquis Judex in ſua Civitate debeat quotidie in judicio reſidere*; and the laſt has this Title, *De Arimanno quomodo cum judice ſuo caballicare debeat.* From this Edict the Compiler took only nine Laws, which we have in the Volume of the *Longobard* Laws. We have three in the firſt Book, one under the Title *De Seditione contra judicem*; and two under the other *De Invaſionibus.* In the ſecond Book we have four of them; one under the Title *Debitis & Guadimoniis*; another under the Title *De Præſcriptionibus*; another under the Title *De Officio Judicis*; another under that *Qualiter quis ſe defendere debeat*; and two other in the third Book, one under the Title *De his quæ ſecreta Regis inquirunt*; and the other under this *Ubi interdictum ſit Legatum alicui mittere*, wherein it is ſtrictly forbidden, without the King's Licence, to ſend Ambaſſadors to *Rome*, *Ravenna*, *Spoletium*, *Beneventum*, to *France*, *Bavaria*, *Germany*, *Greece* and *Navarre*.

BUT after *Rachis* had ſo well improved the Arts of Peace, and ſo well ſettled his Kingdom with wiſe and provident Laws, there did not paſs many Years, when he laid them aſide; and being ſeiz'd with an Ambition of inlarging the Bounds of his Kingdom, as his Predeceſſor had done, whom he had a Mind to imitate, he rais'd an Army, and made War on *Pentapolis*, and having taken ſome Places in that Country, he advanc'd into the *Roman* Dukedom, and at laſt laid cloſe Siege to *Perugia* [1].

IT was at this Time, that Pope *Zachary* had ſo many lucky Opportunities, which led him to ſo many renown'd and noble Undertakings, that his Name deſerves glorioſly to be extoll'd above all the other *Roman* Pontiffs; for he had the Art to lay ſuch, and ſo deep Deſigns, in order to extend the Authority and Dominion of his See, that nothing like them had ever been ſo cunningly contriv'd.

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[1] Erchemp. apud Camil. Pelleg. pag. 5. loc. cit.

SECT. I.

The Tranſlation of the Kingdom of France *from the* Merovingian *to the* Carlovingian *Line.*

AFTER the Death of *Charles Martel*, *Pepin* and *Carlomannus* his Sons took upon them the Government of the Kingdom of *France*. *Childerick* the laſt King of the firſt Race, becauſe of his Inſufficiency, retain'd nothing but the Royal Title; but after ſeven Years had paſs'd, *Carlomannus* renounc'd the Government to his Brother, and, accompanied with many *French*, came to *Rome*, and being inflam'd with a fervent Zeal for Religion, would have *Zachary* to inroll him amongſt the Clergy; from thence he retir'd to *Monte Soratte*, and there founded a Monaſtery, which he dedicated to S. *Sylveſter* the Pope; where 'tis reported this Pope had hid himſelf in the Time of the Perſecution, before *Conſtantine* had embrac'd the Chriſtian Religion. But this Place being continually frequented by the *French*, who came either of Purpoſe, or *en paſſant* to viſit him, in order altogether to withdraw himſelf from worldly Affairs, he retir'd to *Monte Caſſino*, where having dedicated himſelf to God, he turn'd Monk [1].

IN the mean Time *Pepin* continu'd to govern the *French* Monarchy alone, with the ſame Power and Authority, and rather more, than his Father *Charles Martel* had done; for *Childerick* III. the laſt of the *Merovingian* Race, by reaſon of his Folly and Unfitneſs, was leſs eſteem'd than the Kings his Predeceſſors, who for about a hundred Years had injoy'd nothing but the Royal Title, by baſely allowing themſelves to be govern'd by the Mayors of the Palace, who had all the Authority. On the contrary, *Pepin* by his noble Manners, and his glorious Actions, had gain'd the Hearts of all the *French*, who willingly would have acknowledged him for their King, rather than *Childerick*, a ſtupid and unfit Prince. *Pepin* did not let ſo fine an Opportunity ſlip, of transferring the Realm of *France* from the Race of the great *Clovis* to his own Houſe, but made uſe of all the Art imaginable. But tho' the *French* ſeconded his Deſign, nevertheleſs they were not willing to do it of themſelves, being perſuaded that they had not ſufficient Authority to transfer the Kingdom from the lawful Heir to another Houſe, nor to abſolve themſelves from the Oath of Fidelity which they had taken to their Prince. *Pepin* weighing the Difficulty of the Matter, and that *Charles Martel* his Father, tho' formidable and renown'd for ſo many Victories, had not had the Boldneſs to undertake it; and beſides, thinking that ſo great and ſo ſtrange an Enterprize, could by no other Means be brought about, not to be thought odious, but rather commendable, than by having recourſe to the Authority of the Apoſtolical See, which at this Time was reputed the Seminary of all Virtue and Sanctity; and if that See ſhould not approve of the Fact, it was able to ſtir up ſo many Enemies againſt him, that he would not be in a Condition to withſtand them with his own Forces; he therefore very prudently reſolv'd, under the Cloak of the Papal Authority, to cover the Deformity of the Fact, and ſent the Biſhop of *Vuitzburg* to *Rome* to Pope *Zachary*, and caus'd him to lay before him his own Deſire, and that of all the *French*, requeſting his Opinion, whether it would not be for the common Benefit of the Kingdom, to transfer the Scepter from a ſtupid King, to *Pepin* a valiant and wiſe Prince [2]. And after the Biſhop had demonſtrated, that by his approving of this Tranſlation, he ſhould acquire more Glory than *Charles Martel* had done by his Victory over the *Saracens*, he requeſted him to interpoſe his Authority, and to abſolve the *French* from their Oaths, that they might be able to place *Pepin* on the Throne. This was the publick Commiſſion of the Ambaſſador, but the private Inſtructions were, to promiſe if the Pope conſented, to defend him againſt all his Enemies, and eſpecially againſt the *Longobards*; and that he might reſt ſecure, that *Pepin* would not only protect him, but alſo grant him greater Advantages to his See.

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[1] Erchemp. apud Camil. Pellegr. p. 5. loc. cit.

[2] Paul. Æmil. de reb. Franc.

ZACHARY did not let ſlip ſo fit and ſeaſonable an Opportunity, which afforded him an Occaſion to ſhew at the ſame Time, both the Greatneſs of his Authority, and not only to eſtabliſh the Temporal Dominion which he began to have in *Italy*, but likewiſe to extend it beyond the *Roman* Dukedom, and the Exarchate of *Ravenna*. Whereupon he not only gave his Advice to do it, but that there might remain to Poſterity, a ſolemn Document of his Authority, of himſelf, he likewiſe added a Decree, by which he made void the Right of *Childerick*, as an inſufficient King, and abſolv'd the *French* from the Religion of their Oath, and ordain'd that *Pepin* ſhould be put in his Place. As ſoon as the *French* had obtain'd this, they met at *Soiſſons*, turn'd out *Childerick*, who ſhutting himſelf up in a Monaſtery, turn'd Monk, and they elected *Pepin*, who was ſolemnly crown'd by *Boniface* Archbiſhop of *Mentz*, from whom he alſo receiv'd the Holy Unction, that thereby he might be more reſpected by his Subjects; and he was the firſt King of *France* that made uſe of it.

SOME *French* Writers, and particularly *Du Pin* [1], clearly demonſtrate, that the *French* ſent this Embaſſy to *Zachary*, in order to conſult him only as a Doctor and Father of the Chriſtians, and that they requir'd nothing from him, except his Advice and Approbation, to make their Election the more plauſible to all Chriſtendom; ſo that *Zachary* had no other hand in it than by giving his Opinion and Advice. Others, from the Authority of *Eginardus* [2], *Reginon*, and from the Annals of *France*, relate, that this Pope did not only approve of the Election, but, as 'tis eaſy to do more than is requir'd, eſpecially when it makes for the Inlargement of one's own Authority, even went further, and made a Decree for it; which however they ſay, was of no Conſequence or Prejudice to them for the Time to come, as was made clear, when Two hundred and thirty-ſeven Years after, the *French* with common Conſent elected and crown'd *Hugh Capet*, by turning out *Charles* of *Lorraine*, who was the lawful Heir of the *Carlovingian* Race, without being oblig'd to conſult the Pope, as had been done by *Pepin*. Whatever be in this, 'tis certain, that theſe Matters and Treaties were tranſacted at this Time betwixt *Zachary* and *Pepin*; on the one hand *Zachary* conſented to the Tranſlation of the Kingdom, which *Pepin* wanted to be ſettled on his Houſe, and gave him all Aſſiſtance; on the other hand, *Pepin* promiſ'd to protect the Apoſtolical See, and to defend it againſt its Enemies, and particularly the *Longobards*, and procure it greater Advantages [3]. It remains a Queſtion, whether the Apoſtolical See reap'd more Benefit from *Pepin* and his Arms, which he employ'd in defending it againſt the Power of the *Longobards*, and eſtabliſhing the Temporal Dominion in *Italy*; or *Pepin*, from the Authority of that See, which was ſo propitious to the *French*, that it made his Deſcendants Maſters of *Italy*, and facilitated the driving the *Longobards* out of it.

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[1] Du Pin, de Antiq. Eccl. diſc. Diſſert. 7.

[2] Eginard. ad A. 750. hoc anno ſecundum Romani Pontificis Sanctionem, &c.

[3] Paul. Æmil. de reb. Franc.

SECT. II.

Rachis *abandons his Kingdom, and turns a Monk of* Caſſino.

IN the mean Time, before *Zachary* had concluded theſe Treaties with *Pepin*, he had not neglected the Intereſt of his See with *Rachis*, who having march'd thorough the Dukedom of *Rome*, and its Territories, had, as is ſaid, laid cloſe Siege to *Perugia*, and threatned to proceed further. The Emperor was at a Diſtance, and did not mind the Affairs of *Italy*; the Exarch was not in a Condition to defend himſelf in *Ravenna*, much leſs to oppoſe *Rachis*; ſo that *Zachary*, in order to ward off this Blow, was neceſſitated to have recourſe to his own Authority and Courage: Therefore taking Heart, and well accompanied, he went in Perſon to the Camp, where *Rachis* was, under the Walls of *Perugia*; and being honourably receiv'd by this Prince, he ſpoke with ſuch Force and Energy, as to inſtill ſo tender a Regard for Piety and Religion into him, that immediately he not only rais'd the Siege of *Perugia*,

Perugia, but alſo yielded to *Zachary* ſome Caſtles of *Pentapolis* which he had poſſeſs'd. And this Speech made ſo deep Impreſſion upon him, that being over-aw'd with the Majeſty of the Pope, and overcome with the ſecret Force of Religion, a Year after he went to *Rome*, with *Taſia* his Wiſe, and *Ratruda* his Daughter, to viſit him; and there proſtrating himſelf at his Feet, and renouncing his Kingdom, he would turn a Monk of *Caſſino*, together with his Wiſe and Daughter; and having taken the Habit from the Hands of the Pope, he retir'd to *Monte Caſſino*, there to end his Days in that Monaſtery under the Rule of S. *Benedict*: *Taſia* and *Ratruda* follow'd his Example, who at their own Charges erected from the Foundation a magnificent Monaſtery of Virgins, not far from *Caſſino*, where having put on the Monaſtick Habit, they led a holy Life [1].

RACHIS ſpent the reſt of his Days in the Monaſtery of *Caſſino*. A Prince remarkable for having govern'd the Kingdom with ſo much Prudence and Moderation, and made ſo many provident Laws; but what made him much more immortal and commendable in the Memories of Men, was his laying it down with ſo many Tokens of Piety and Religion; wherefore the Monks of that Monaſtery, worſhip him at this Day as a Saint. At the Time that *Leo Oſtienſis* compos'd his Chronicle, there was ſeen near to that Monaſtery, a Vineyard, as *Leo* reports [2], which was commonly call'd the *Vineyard of Rachis*; the Monks of that Monaſtery affirming, that he planted and cultivated it. The Abbot of *Noce* [3], afterward Archbiſhop of *Roſſano*, while he was Abbot there, caus'd ſearch to be made for that Spot, which he found altogether barren; he caus'd the Vineyard to be repair'd, of which there was not the leaſt Veſtige remaining, and caus'd likewiſe a Chapel to be built in Honour of him.

JOHN VILLANI, a *Florentine* [4], was of Opinion, that the Statue of Metal, which is now to be ſeen in the Market Place of *Barletta*, and which is call'd *Eracco*, had been erected by the *Beneventan Longobards* to this Prince. The Authority of this Hiſtorian made *Beatillus* [5] alſo, and, which is more, the Abbot of *Noce* [6], and ſome others believe, that it really was the Statue of *Rachis*; which, if we conſider the Extenſion of the Dukedom of *Beneventum* at this Time, would not ſeem impoſſible; ſeeing it extended its Bounds on this Side beyond *Sipontum*, to *Bari*; which Town was comprehended in the Dukedom of *Beneventum*; and tho' it had its own particular Dukes, who immediately govern'd it, nevertheleſs the Kingdom of the *Longobards* in *Italy* was made up, not only of that Tract of Country which we now call *Lombardy*, and of the other leſſer Dukedoms, but eſpecially of theſe three famous Dukedoms of *Spoletium*, *Friuli*, and this of *Beneventum*, greater than all the reſt, which were ſubject to the *Longobard* Kings, who had their Seat in *Pavia*; it would not ſeem a ſtrange Thing, that the *Beneventan Longobards* had erected that Statue to *Rachis* their King.

BUT two ſtrong Reaſons convince us of the fabulous and erroneous Opinion of *Villani*. The firſt is, that it appears altogether unlikely, that the *Beneventan Longobards*, would have plac'd a Statue ſo large and magnificent in *Barlettta*, a Town at this Time ſo ſmall and of no Account, and ſituated as it were on the Borders of their Dukedom, and not in *Beneventum* the Metropolis City; or in ſome other magnificent City of that Dukedom, of which they had many; ſuch as *Capua*, *Salernum*, *Bari*, and ſo many others. *Barletta* at firſt was nothing elſe but a Tower plac'd in the Middle of the Way betwixt *Trani*, and the City of *Cannæ*, ſo famous for the ſignal Overthrow given the *Romans* there by *Hannibal*; it ſerv'd only for a lodging Place for Paſſengers; and, as is uſual, had for a Sign a ſmall Barrel. The Conveniency of the Situation, being ſeven Miles diſtant from each of theſe two Cities, drew ſome of their Citizens to live there, whence the Place afterwards took the Name of *Barletta*; and the Inhabitants always increaſing under the Empire of *Zeno*, and the Pontificate of *Galeſius*, S. *Sabinus* Biſhop of *Canoſa* thought it a fit Place to build a Church in for the Devotion of the Inhabitants, which was erected in Honour of St. *Andrew* the Apoſtle. 'Tis likewiſe ſaid, that Pope *Galeſius* being in Mount *Garganus*, on account of the miraculous Apparition of St. *Michael*, at the Requeſt of Biſhop *Sabinus*, about the Year 493, went down with *Laurence* Biſhop of *Sipontum*, *Palladius* of *Salpi*, *Eutychius* of *Trani*, *John* of *Ruvo*, *Euſtorius* of *Venoſa*, and *Roger* Biſhop of *Cannæ*, and conſecrated it; after which Conſecration, the Inhabitants increaſing from Time to Time, it came to be a good Town, many Citizens of *Cannæ* going thither to live for greater Conveniency. Such was the State of *Barletta* in the Reign of *Rachis*; it increas'd, and many Ages after began to take the Form of a City, and under the Reign of the *Suevi*, *Manfredus* who lov'd that Part of *Puglia* very much, and where he liv'd for the moſt part, honour'd it ſometimes with his Reſidence while he was employ'd in building of *New Sipontum*, which from him took the Name of *Manfredonia*. *Barletta* thus honour'd by this Prince, began to vie with its Mother *Cannæ*, and to diſpute the Boundaries and Territories, which for many Years had been common to both; whereupon *Charles* I. of *Anjou*, to remove all Diſputes which uſually ariſe betwixt Neighbours, made a Diviſion [1]: It was then ſurrounded with Walls, and this King caus'd the Streets to be pav'd, and the Gates to be built. It was afterwards made the See of the Archbiſhop of *Nazareth*, and brought to that Magnificency in which we now ſee it. *John Villani*, who flouriſh'd in the Reign of *Charles* II. of *Anjou*, and *Joan* I. his Niece, when *Barletta* was become one of the conſiderable Cities of *Puglia*, believing it had been ſuch in the Reign of *Rachis*, and ſeeing this Statue lying in the Port of this City, which the Inhabitants call'd corruptly, as they do to this Day, the Statue of *Arachio*, took it to be the Statue of this *Longobard* King. Whence alſo we ſee the Miſtake of *Scipio Ammiratus* [2], who writes, that this Statue had been dedicated by the *Barlettans* to the Emperor *Heraclius*, as a Mark of Gratitude, for that Emperor's having made a Mole to their City, for the Conveniency of Merchants; whereas in the Time of *Heraclius*, *Barletta* was a ſmall Village, and the Mole was made many Ages after *Heraclius*, by its own Citizens; who no ſooner than the Year 1491, tranſported that Statue, which lay half broke to pieces in the Harbour, to the Market-Place within the City, where it ſtands at this Day, after they had new vamp'd it as we now ſee it.

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[1] Erchemp. apud Pel. hiſt. Princ. Long. p. 6. Leo Oſtien. Chron. lib. 1. c. 8.

[2] Leo Oſtien. Chr. lib. 1. c. 8.

[3] Ab. de Noce ad Oſtien. loc. cit.

[4] Villan. lib. 2. cap. 9.

[5] V. Beat. hiſt. di S. Sabino veſcovo di Canoſa.

[6] Ab. de Noce loc. cit.

with

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THE other Reaſon, which proves that it is not the Statue of *Rachis*, is its being repreſented Beardleſs, and dreſs'd after the *Greek* Faſhion, having in one Hand a Croſs, in the other an Apple, a Symbol of the World. Theſe Marks, as they prove it to be the Statue of ſome Emperor of the Eaſt, ſo they prove it not to be of *Rachis*, or any other *Longobard* King. In the ſo often mentioned Code of the Monaſtery of the Cave, where the Edicts of the *Longobard* Kings of *Italy* are, we ſee ſome Pictures in Miniature of ſome of theſe Kings, Authors of theſe Edicts, tho' ſomewhat ſpoil'd, and after the manner of Painting in thoſe Times, coarſe and ſimple; nevertheleſs they are repreſented with long Beards, military Garments, the Scepter in their Right Hand, and the Crown on their Head, but neither Croſs nor Apple to be ſeen: Whence 'tis probable, that, according to the ancient Tradition of the People of *Barletta*, it may be the Statue of *Heraclius* Emperor of the Eaſt.

HE, ſay they, on account of the great Veneration, which not only he, but all the other Emperors of the Eaſt his Predeceſſors, paid to *Michael the Archangel*, to whom there were ſo many Churches and Altars erected in *Conſtantinople*; when the Sanctuary of Mount *Garganus* was become ſo famous in his Time, that it drew the Bounty of the moſt potent Kings of the Earth to it, likewiſe would ſend and offer to that Church many rich Preſents, and among the reſt his Statue, to the end that he might eternize the Remembrance of the Worſhip which he paid to that Saint. They add, that the Ship which carry'd theſe Preſents, being toſs'd in the *Adriatick* Sea with Winds and Storms, was wreck'd in that Sea near the Shore of *Barletta*, where the Statue lay for a long Time in the Water; and that at laſt it was diſcover'd and brought aſhore to the Harbour of that City, where it lay likewiſe half ſhatter'd for many Years: In fine, the *Barlettans* in the Year 1491, carry'd it into the City, and plac'd it where we now ſee it. Certainly the ſhav'd Beard, the *Greek* Habit, the Croſs and the Apple, prove it to be the Statue of ſome *Greek* Emperor; Tradition, and the Reſemblance it bears to *Heraclius*, and the Name, tho' corrupted, by which it has always been call'd by the *Barlettans*, give Ground to believe it is the Statue of that Emperor. The Opinion of *Mazzella* [3], who believ'd this Statue to be the Emperor *Frederick* II's, is ſo falſe and fooliſh, that 'tis not worth the while to confute it, as being repugnant to all Hiſtory.

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[1] Regiſtr. Caroli I. A. 1292. & A. 1293. Beltran. deſcr. del R. di Nap.

[2] Ammir. nel. lib. delle Fam. del R. di Nap.

[3] Maz. deſcr. del Reg. di Nap. e ſue Prov.

CHAP. II.

Of Aſtolphus *King of the* Longobards, *his Expedition to* Ravenna, *and the End of that Exarchate.*

THE *Longobards*, as ſoon as *Rachis* turn'd Monk, ſet *Aſtolphus* his Brother on the Throne; a Prince gallant in the Field, and wiſe in the Council, who brought his Kingdom to the higheſt Pitch of Grandeur; which was the Occaſion of his own Fall, and the Ruin of the *Longobards* in *Italy*. In the Beginning of his Reign he diſcover'd an Inclination to be moderate and peaceable; he confirm'd the Peace formerly made betwixt *Zachary* and *Luitprandus*, and *Rachis* his Brother, and granted the Pope all thoſe Conditions which had been ſtipulated with his Predeceſſors. This Pope, after having ſettled the Peace with *Aſtolphus*, and ſo advantageouſly adjuſted the Intereſts of his See, departed this Life in the Year 752. A Pope to whom the Church of *Rome* is much beholden, who by his wiſe Conduct rais'd her to ſo much Grandeur, and augmented her Authority; he left to his Succeſſors very ſolid and firm Foundations, on which in after Ages they have been able to raiſe ſuch a towering Superſtructure in all the Kingdoms of the Weſt, as gave Jealouſy to Princes, and ſtruck a Terror into the People.

ZACHARY being dead, the Clergy and People of *Rome* choſe *Stephen* II. but he held that See only three or four Days; for being oppreſs'd with a ſevere Lethargy three Days running, he died on the fourth. Immediately there was another choſen, likewiſe nam'd *Stephen*, who by the antient Writers is alſo call'd the Second, not reckoning his Predeceſſor, who died without being conſecrated; for in thoſe Times the Election alone did not make a Pope, but the Conſecration; ſo that if any was elected and died without being conſecrated, he was not put in the Liſt and Number of the Popes: Thus we ſee, not to name others, *Echerempertus*, and *Oſtienſis* [1], call this *Stephen* the IId, and not the IIId. However, at preſent 'tis a ſettled Point, contrary to what anciently was believ'd, that by the Election of the Cardinals the Pope receives all Authority; and therefore the Writers of theſe latter Times have labour'd to put this *Stephen* in the Number and Liſt, whereupon they have agreed to alter the Number of the ſubſequent *Stephens*, by calling the Second Third, and the Third Fourth, and ſo on to the Ninth, whom they call the Tenth, which occaſions great Confuſion in comparing the ancient and modern Writers, the latter ſtifly maintaining this Point.

THIS Pope having mounted the Throne, and follow'd the Footſteps of his Predeceſſors, after three Months of his Pontificate, ſent Legates to *Aſtolphus* with many Preſents, in order to eſtabliſh that Peace which he had already confirm'd with *Zachary*; *Aſtolphus* ratify'd it, and it was agreed on for other 40 Years.

BUT this Prince, who was no leſs ambitious than *Luitprandus*, confirm'd this Peace with the Pope, to the end that he might not divert him from the Deſign he had of ſubjecting *Ravenna*, with all the reſt of the Exarchate, which was yet in the Poſſeſſion of the *Greeks*, and was govern'd by the Exarch *Eutychius*. From the Time he mounted the Throne, in order to that Expedition, for the Space of two Years, he had gather'd together all his Forces, and made them more powerful than ever; and perceiving that *Conſtantinus Copronimus*, who at this Time had aſſociated his Son *Leo* with him in the Throne, was employ'd in other Expeditions in *Greece* and *Aſia*, and did not in the leaſt mind the Affairs of *Italy*, and tho' ever ſo willing, yet could not ſo ſuddenly ſend Aſſiſtance; he in an inſtant march'd with all his Forces againſt *Eutychius*, and went directly towards *Ravenna* the Head of the Exarchate, and laid cloſe Siege to that Imperial City. *Eutychius* being thus catch'd napping, and unable to bear an Aſſault, or defend himſelf againſt ſuch a numerous Army, agreed to ſurrender the Place, without hopes of ever recovering it; being far from any Aſſiſtance, and unprovided of Men and Money, he abandon'd every Thing, and return'd to *Greece*. After *Aſtolphus* took *Ravenna*, and all the other Cities of the Exarchate, *Pentapolis* eaſily ſurrender'd to him; who now triumphing over his Enemies, join'd the Exarchate of *Ravenna* to his Kingdom, which his Predeceſſors had ſo often in vain attempted to do; for ſometimes they gain'd it, ſometimes loſt it, but never could intirely and firmly unite it to their Crown.

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[1] Echeremp. apud Pelleg. pag. 5. Oſtienſ. lib. 1. cap. 8.

THUS ended the Exarchate of *Ravenna* and its Exarch; a Magiſtrate who for the Space of 183 Years had maintain'd the Power and Authority of the Emperors of the Eaſt in *Italy*: Thus ended likewiſe the great Luſtre and Splendor of that City, which, by the Emperors *Honorius* and *Valentinian*, who neglected *Rome*, had always had the Honour to be made the conſtant Place of their Reſidence, as it was afterwards the Reſidence of the Exarchs, whom the Dukes of *Rome*, *Naples*, and all the other *Italian* Cities of the Empire obey'd, and whoſe Biſhops contended with thoſe of *Rome* for Precedency; now being retaken by the *Longobards* from the *Greeks*, it chang'd its Fortune, and being reduc'd to the Form of a Dukedom, was no otherways treated than the other leſſer Dukedoms, of which the Kingdom of the *Longobards* was made up; which was the Occaſion of its fatal Ruin, and of the Condition we now ſee it in. *Marquardus Freerus* [1], in the Chronology which he compil'd of the Exarchs of *Ravenna*, from *Longinus* the firſt Exarch, under *Juſtin* II. to the laſt, which was this *Eutychius*, writes, that this Exarchate continu'd 175 Years; but from the Computation of the Years which he himſelf has made of it, we ſee, that it having, as he ſays, begun from *Longinus* in the Year 568, and ended in *Eutychius*, after *Aſtolphus* had taken *Ravenna* according to him in the Year 751, the Exarchate laſted 183, and not 175 Years. And according to thoſe who compute the Fall of *Ravenna* from the Year 752, the Exarchate laſted 184 Years.

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[1] Freh. in Leunclav. tom. 1. juris Græco Roman.

SECT. I.

The Expedition of Aſtolphus *into the* Roman *Dukedom.*

ASTOLPHUS after ſo great and glorious Undertakings, being full of high and elevated Thoughts, now threaten'd to extend his Empire over the miſerable Remains which were yet left to the Emperors of the *Greeks* in *Italy*; he being Maſter of the Exarchate of *Ravenna*, and thinking he had a Right to all that belong'd to the Exarchate, which was the Superiority and Sovereignty over the Dukedom of *Rome*, and all the reſt; pretended likewiſe to command the Cities of the *Roman* Dukedom, and eſpecially the City of *Rome*, in which the Emperors of the Eaſt, after the Agreement made betwixt *Luitprandus* and *Gregory* II. had continu'd to have ſome Veſtige of Superiority, by having their Officers ſtill there. Therefore he threaten'd the Lands of the Dominion of the Church, and *Rome* itſelf, having broke and violated the ſo many Treaties of Peace concluded betwixt himſelf and his Predeceſſors, and the *Roman* Pontiffs, he march'd his Army towards *Rome*, and having taken *Narni*, ſent Ambaſſadors with a ſevere Meſſage to the Pope, telling him, that he would plunder *Rome*, and put all the *Romans* to the Sword, if they did not ſubject themſelves to his Empire, by paying him a Yearly Tribute of a Crown for each Man.

Man [1]. The Pope being much troubled at ſo terrible a Meſſage, endeavour'd to pacify him by a conſpicuous Embaſſy of two famous Abbots, who flouriſh'd at that Time; he ſent to him the Abbots of *Monte Caſſino* and S. *Vincenzo*, to *Volturnum*, with a great many valuable Preſents, charging them to put him in Mind of the Peace lately made, and by Reaſoning and Intreaties endeavour to perſuade him not to break it, but to turn his Arms another way [2].

THE Pope from the Beginning of the Irruption which *Aſtolphus* made upon *Ravenna*, foreſeeing theſe Miſchiefs, had acquainted the Emperor *Conſtantine* with the Deſigns of the *Longobards*, and had ſollicited him to ſend powerful Aſſiſtance to the Exarch, in order to put a Stop to them; but *Conſtantine* intending to cover his Weakneſs with the Cloak of Authority, gave him to underſtand, that that alone was enough to hinder the *Longobards* from ſuch an Undertaking; inſtead of an Army, he ſent a Gentleman of his Bedchamber, named *Joannes Silenziarius*, with Orders to the Pope to ſend his own Letters along with him to *Aſtolphus*, in order to oblige him to reſtore what he had taken [3]. The Pope not only ſent Letters but alſo Legates to accompany *John*; but when they arriv'd in *Ravenna* where *Aſtolphus* was, and deliver'd the Meſſage about reſtoring what he had taken, that Prince receiv'd it with Contempt, and they were immediately ſent back without Succeſs, as they might well have imagin'd; for which Cauſe the Pope's Legates went with *John* directly to *Conſtantinople*, to intreat the Emperor anew, in the Name of the Pope, to come himſelf into *Italy* with a powerful Army in order to ſave *Rome*, and the other Remains of his Empire in *Italy*, which the *Longobards* were ſtill endeavouring to rob him of. But *Conſtantine*, who was embroil'd in other Wars, and who minded nothing elſe, except the calling a new Council this Year 753, conſiſting of 338 Biſhops, for pulling down the Images; was in no Condition to quarrel with the *Longobards*.

THEREFORE *Stephen* ſeeing that it was in vain to have recourſe to *Copronimus* [4], who could not ſo much as defend himſelf againſt the *Longobards*, and was at a great Diſtance for protecting his Church; and that on the other hand *Aſtolphus* had enter'd the *Roman* Dukedom with an Army, was laying all the Country waſte, and threatning the *Romans* with Slaughter and Slavery, if they did not ſurrender to him; at laſt reſolv'd, after the Example of *Zachary*, and the two *Gregories*, to have recourſe to the Protection of *France*, and to beg *Pepin*'s Aſſiſtance. He ſent privately a Meſſenger to *France*, by whom he laid open his Diſtreſs to *Pepin*, and his Deſire of going to *France* in Perſon, if he would ſend him Ambaſſadors for conducting him thither in Safety. *Pepin* did not fail to ſend him immediately two of the principal Officers of his Court, *Rodigandus* a Biſhop, and Duke *Antony*, in order to conduct him to *France*. The Biſhop and Duke being arriv'd at *Rome*, found that the Army of the *Longobards*, after having taken all the Caſtles in the Neighbourhood of *Rome*, was ready to inveſt that City; and the Pope's two Legates, with the Emperor's Envoy being return'd from *Conſtantinople*, had brought nothing but a ſecond Order for the Pope to go in Perſon to *Aſtolphus*, and urge him to reſtore *Ravenna* and the other Cities he had poſſeſs'd himſelf of. There was no likelihood that this Journey would turn to any Account, yet the Pope was willing to obey, in order to make the laſt Effort, to ſee if he could prevail with that Prince; but when he ſaw that all his Labour was loſt, and that *Aſtolphus*, who had forbidden him to ſpeak of any Reſtitution, was doing what he could to ſtop him, he ſuffer'd himſelf at laſt to be conducted to *France* by *Pepin*'s Ambaſſadors.

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[1] Sigon. ad A. 753.

[2] Erchemp. apud Pelleg. p. 6. loc. cit.

[3] Anaſt. in vita Stephani III.

[4] Anaſtaſ. loc. cit. Cernens ab Imperiali potentia nullum eſſe ſubveniendi auxilium.

FH
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SECT. II.

Pope Stephen *in* France, *his Negotiations with King* Pepin, *and the Donation of* Pentapolis *made by this Prince to the Church of* Rome, *and the Exarchate of* Ravenna *taken from the* Longobards.

THE Pope being arriv'd in *France*, was receiv'd by *Pepin* with all Marks of Eſteem and Veneration; he ador'd him as Pope and Father of Chriſtianity, and paid him more Honour than he could have done to the moſt powerful King of the Earth. *Stephen* repreſented to the King the Neceſſities and Diſtreſs to which the *Longobards* had reduc'd him, and crav'd his Aſſiſtance and Protection, for which he offer'd to employ all the Authority of the Apoſtolical See to his Advantage. *Pepin* then, that he might make himſelf to be the more reſpected by his Subjects, and for the better eſtabliſhing the Kingdom of *France* in his Perſon and Poſterity, would have *Stephen* to conſecrate him King with his own Hands, and to anoint him and his two Sons *Charles* and *Carloman* with the holy Unction, which was perform'd in the Church of S. *Denis* [1]. On the other hand *Pepin*, beſides aſſuring him that he would curb the Inſolence of the *Longobards*, and make them reſtore the Places they had poſſeſs'd themſelves of in the *Roman* Dukedom, promiſed alſo to drive *Aſtolphus* out of the Exarchate of *Ravenna* and *Pentapolis*, and to reſtore thoſe States when taken from the *Longobards*, not to the *Greek* Empire, to which they belong'd, but to St. *Peter* and his Vicar: *Stephen* commended the generous Offer which he made of other Peoples Goods, and alſo inlarg'd upon the great Advantage it would be to the Salvation of his Soul; whereupon the Donation was agreed and ſworn to by *Pepin*, who likewiſe made his two Sons *Charles* and *Carloman* confirm it.

This Promiſe of the future Donation, in caſe *Pepin* ſucceeded in driving the *Longobards* from the Exarchate of *Ravenna* and *Pentapolis*, comprehended only theſe States. *Leo Oſtienſis* [2] confounds what *Anaſtaſius Bibliothecarius* wrote concerning the Donation made afterwards by *Charles the Great* to Pope *Adrian*, with this promiſ'd by *Pepin* to Pope *Stephen*. *Anaſtaſius* relates [3] that *Charles the Great* confirm'd, and perform'd what *Pepin* his Father had promiſ'd, and rather added to his Father's Donation: he ſays that *Charles* by a new Inſtrument gave to S. *Peter* and his Vicar, many Cities and Territories in *Italy*, fixing the Boundaries from *Luna* a City of *Tuſcany*, ſituated on the Borders of *Liguria*, with the Iſland of *Corſica*, to *Sorano* and *Monte Bordone*, including *Vecetri*, *Parma*, *Reggio*, *Mantua*, and *Monſelice*; together with the Exarchate of *Ravenna*, as it was anciently, with the Provinces of *Venice* and *Iſtria*; and all the Dukedoms of *Spoletium* and *Beneventum*. *Leo* [4], as the Abbot *de Noce* likewiſe obſerves [5], ſpeaking in the eighth Chapter, of the Donation of *Pepin*, makes uſe of the very ſame Words of *Anaſtaſius*, which relate to the Donation of *Charles* his Son; and when afterwards in the twelfth Chapter he treats of the Deeds of *Charles*, and of this his Donation, he does not name the Places and Cities, as *Anaſtaſius* does; but as if *Charles* had done nothing elſe but only confirm'd that of *Pepin*, ſuppoſing, that that comprehended all thoſe Places deſcrib'd by him in the eighth Chapter, he ſays, that *Charles*, *bono ac libenti animo aliam Donationis promiſſionem inſtar prioris deſcribi præcepit.* But that this Donation of *Pepin* comprehended nothing elſe but *Pentapolis*, and the Exarchate of *Ravenna*, which were to be taken from *Aſtolphus*, is evidently known by the Execution, which was perform'd by *Pepin* himſelf, when, as we ſhall relate, he came to *Italy*, and taking them from the *Longobards*, made a Preſent of them to the Apoſtolical See; *Leo* writes the ſame [6], that *Pepin*, *ſimul cum præfato Romano Pontifice Italiam*

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[1] Oſtienſ. lib. 1. cap. 8. Pipinum & duos filios ejus Carolum & Carlomannum unxit in Reges Francorum.

[2] Oſtienſ. lib. 1. cap. 8.

[3] Anaſt. in Adriano.

[4] Leo Oſtien. lib. 1. cap. 8. & 12.

[5] Ab. de Noce in notis ad Lion. cit. lib. c. 8.

[6] Leo Dict. cap. 8.

veniens, & Ravennam, & viginti alias Civitates ſupradicto Aiſtulpho abſtulit, & ſub jure Apoſtolicæ ſedis redegit.

WE are likewiſe convinc'd of this from the Chronicle of the Monaſtery of S. *Clement*, in the Iſland of *Peſcara*, which we now read printed in the ſixth Tome of *Ughellus*'s *Italia Sacra*; where relating the ſame Tranſactions of Pope *Stephen* with *Pepin*, we read that *Pepin* having driven out *Aſtolphus*, and freed *Ravenna*, gave it to St. *Peter*, with twenty other Cities. When afterwards this Author ſpeaks of the Donation of *Charles*, he ſays, that this Prince *reſtituit beato Petro, quæ Pater ejus dederat, & Deſiderius abſtulerat, addens etiam Ducatum Spoletanum & Beneventanum*, &c. But how true that may be which *Anaſtaſius* relates of the Donation of *Charles the Great*, making it to comprehend *Corſica*, the Dukedoms of *Spoletium*, *Beneventum*, *Venice*, *Iſtria*, and a great many other Places, never taken or poſſeſs'd by *Charles*, we ſhall ſee by-and-by, when we ſhall have Occaſion to treat of it.

AS ſoon as theſe Articles were agreed to betwixt *Stephen* and *Pepin*; this Prince, the Pope having continu'd with him in *France*, immediately interpos'd his moſt earneſt good Offices with *Aſtolphus*, which he thrice repeated, to perſuade him to reſtore the Places he had taken; but neither Intreaties nor Threatnings prevailing, at laſt, ſpurr'd on by the Pope, he reſolv'd to march into *Italy* againſt him with all his Forces; and being follow'd by *Stephen*, he forc'd the Paſſage of the *Alps*, put *Aſtolphus*'s Army that oppos'd him to Flight, and follow'd them at the Heels to the Gates of *Pavia*, where he beſieg'd him, and conſtrain'd him at laſt to accept of hard Conditions, obliging him to give Hoſtages, and promiſe to reſtore the Lands of the Church which he held in the *Roman* Dukedom; he took *Ravenna* from him, and twenty other Cities, and in this Year 754, he added them to the Dominion of St. *Peter* [1], and quickly return'd to *France*.

BUT *Pepin* was no ſooner return'd to *France*, than *Aſtolphus*, little minding the Hoſtages which he had put into *Pepin*'s Hands, and breaking all the Oaths he had made to him, came with all the Forces of his Kingdom, and laid Siege to *Rome*, after he had terribly deſtroy'd the Country about it. *Stephen* now ſeeing himſelf reduc'd to the laſt Extremity, had recourſe to his Protector in the ſtrongeſt and moſt moving Terms poſſible; he wrote him thoſe three Letters which we have to this Day [2], in the moſt ſubmiſſive Stile that can be imagin'd; and without any Precedent addreſs'd him in the Name of St. *Peter*, to whom the Donation had been made, directing the Letters to the King, his two Sons, and all the States of *France*, after this manner: *Petrus vocatus Apoſtolus a Jeſu Chriſto Dei vivi Filio*, &c. *Viris excellentiſſimis Pipino, Carolo & Carlomanno tribus Regibus*, &c. where he brings in the Apoſtle ſpeaking thus, *Ego Petrus Apoſtolus dum a Chriſto, Dei vivi Filio, vocatus ſum ſupernæ clementiæ arbitrio*, &c. [3] and conjures him in the Name of God to come to his Relief, otherwiſe he would be debarr'd from the Kingdom of God, and Life eternal, and ſo goes on in ſuch a Strain as was moſt apt to affect a Chriſtian Heart.

LESS than this would have ſuffic'd to oblige *Pepin* to have recourſe again to Arms. He had already aſſembled his Forces on the firſt News of the Motion of *Aſtolphus*; and with them marching anew towards *Italy*, he defeated *Aſtolphus*'s Army, which deſign'd to have diſputed the Paſſage of the *Alps* with him, and threatning their utter Ruin if he continu'd the Undertaking, he oblig'd him to raiſe the Siege of *Rome*, which had already laſted three Months, and to throw himſelf into *Pavia* with the Remains of his Army.

IN the mean Time *Conſtantinus Copronimus* being advis'd of theſe Tranſactions about his Dominions between *Stephen* and *Pepin*, and that *Aſtolphus* had yielded the Exarchate of *Ravenna* to *Pepin*, in order to give it to the Pope, ſent immediately two Ambaſſadors to King *Pepin*, requiring the Reſtitution of it as belonging to the Empire; they being at *Marſeilles*, whither they had come from *Rome* with a Legate of the Pope, heard that *Pepin* had already paſs'd the *Alps*, and defeated the Army of the *Longobards*; whereupon one of the two immediately made the beſt of his way to King *Pepin*, who was not far from *Pavia*, and ready to beſiege it, while the other remain'd with the Legate.

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[1] Leo Oſt. lib. 1. cap. 8. Ravennam & viginti alias Civitates ſupradicto Aiſtulpho abſtulit, & ſub jure Apoſtolicæ ſedis redegit.

[2] Baron. ad A. 755. & tom. 6. Concil. ædit. Pariſ.

[3] Vid. Franc. du Cheſne. tom. 3. hiſt. p. 705. & ſeq. Alemann. de Pariet. Lateranenſ. c. 10.

THE Ambaſſador was immediately introduc'd to an Audience of the King, in which, after having extoll'd *Pepin* for the two Victories he had obtain'd over the *Longobards*, the common Enemies of the Empire and *France*, and commended his glorious Actions in the Name of his Prince, he open'd his Commiſſion [1], and repreſented to him, that without Diſpute the Exarchate belong'd to the Empire, and was uſurped from it by *Aſtolphus*, who took all Opportunities of aggrandizing himſelf at the Coſt of his Neighbours, while his Prince was making War againſt the *Saracens*; that ſince the King had retaken it from the Uſurper, it was juſt that he ſhould likewiſe reſtore to the Emperor what was his; that in fine, the Pope was his Subject, and that ſeeing he ſuffer'd him to enjoy peaceably whatever had been given him by the Emperors and private Perſons, for maintaining his Dignity, it would not be a juſt Thing in him likewiſe to uſurp the Lands of his Sovereign; for the reſt, *Conſtantine*, who deſir'd nothing but Juſtice, was moſt ready alſo to practiſe it on his Part; and that ſeeing the King had been already at great Expences in this War, he offer'd him all that he could deſire of an Emperor who was equally liberal and thankful.

THIS new Embaſſy had no ſooner been laid before *Pepin*, who foreſaw what the Ambaſſador was to demand of him, than he very courteouſly anſwer'd him, That the Exarchate belong'd to the Conqueror of the *Longobards*, who had acquir'd it *Jure Belli*, as their Predeceſſors had done a great Part of *Italy* from the *Greek* Emperors; that it was alſo notoriouſly known, that the greateſt Part of theſe People being forc'd to change their Religion, had yielded themſelves to King *Luitprandus*; that thus ſuppoſing the Right of the *Longobards*, of which there was no more reaſon to doubt, than of that of the *French* who had conquer'd *Gallia* from the *Romans* and *Weſtrogoths*, he was very well aſſur'd of his Right; and ſeeing he had oblig'd *Aſtolphus* by Force of Arms to yield the Exarchate, of which he was going to take Poſſeſſion by the ſame Means, he could diſpoſe of it as he thought fit [2]: And had judged it proper to give the Dominion of it to the Pope, that the Catholick Faith, which had been polluted with ſo many infamous Hereſies of the *Greeks*, might be preſerv'd in it intire; and that the ambitious and covetous *Longobards* might not poſſeſs it; on which Conſiderations he had taken Arms againſt thoſe who oppreſs'd the Church [3]; and that for all the Treaſure in the World he would not alter his Reſolution, and that he would maintain the Pope and the Church in the Poſſeſſion of what he had given them againſt all the World.

THEREFORE having diſmiſs'd the Ambaſſador immediately, without ſuffering him to reply, he went and laid Siege to *Pavia*, which he inveſted ſo ſtrongly, that *Aſtolphus* not being able to reſiſt any longer, was oblig'd to beg Peace of him, which he obtain'd, on Condition that he would immediately perform the Conditions of the Treaty made the preceding Year, in delivering up the Cities of the Exarchate, of *Emilia*, now call'd *Romagna*, and of *Pentapolis*, which we call *Marca d'Ancona* [4], into the Hands of *Fulradus* Abbot of S. *Denis* who was appointed *Pepin*'s Commiſſioner. Which was readily perform'd by Commiſſioners likewiſe appointed by *Aſtolphus*: *Fulradus* having made all the *Longobards* to evacuate the Exarchate and all the other Places, and receiv'd Hoſtages in all the Cities, went and carried the Keys to the Pope, which he laid upon the Sepulchre of the Holy Apoſtles, with the Donation of *Pepin* atteſted with all the Solemnity and Forms requiſite, and which he likewiſe caus'd to be ſubſcrib'd by *Pepin*'s two Sons *Charles* and *Carloman*, as alſo the principal Barons and Prelates of *France*. The Exarchate, if we may give Credit to *Sigonius* [5], comprehended the Cities of *Ravenna*, *Bologna*, *Imola*, *Faenza*, *Forlim Popoli*, *Forli*, *Ceſena*, *Bobbio*, *Ferrara*, *Commacchio*, *Adria*, *Cervia*, and *Secchia*. All which were delivered to the Pope except *Faenza* and *Ferrara*.

PENTAPOLIS, or *Marca d'Ancona*, comprehended *Arimini*, *Peſaro*, *Conca*, *Fano*, *Sinigallia*, *Ancona*, *Oſino*, *Umana*, now demoliſh'd, *Jeſi*, *Foſſombrone*, *Monfeltro*, *Urbino*, the *Balneſean* Territory, *Cagli*, *Luceoli* and *Eugubio*, with the Caſtles and Territories belonging to them, as appears from the ſpecial Grant of *Lewis the Pious*, by which this Donation of *Pepin* was confirm'd; of the Truth of which we ſhall ſpeak in its Place.

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[1] Anaſtaſ. in vita Step. III.

[2] Anaſtaſ. loc. cit.

[3] P. de Marca de Concord. Sac. & Imp. lib. 3. cap. 11. num. 5.

[4] Anaſt. loc. cit. Leo Oſtienſ. lib. 1. c. 8.

[5] Sigon. ad A. 756.

THE Pope being inrich'd with ſo many Cities and Dominions, committed the Adminiſtration of the Exarchate to the Archbiſhop of *Ravenna*; whence ſome have wrote, that the Archbiſhops of that City took alſo the Title of Exarchs, not as Archbiſhops, but as Officers of the Pope, now a Temporal Prince. Thus did the Popes begin to be potent Lords in *Italy*, by adding Principality to the Prieſthood, and the Scepter to the Keys. Wherefore the Donation of *Conſtantine the Great*, particularly with regard to *Rome* and *Italy*, by what we have ſaid in the Second Book of this Hiſtory, and by what the moſt learned Hiſtorians, Civilians and Divines hold as unqueſtionable, was a groſs Fiction of a noted Impoſtor of the tenth Century; or, according to *P. de Marca*, much earlier, in the Times of *Adrian* and *Charles the Great.* Neither, how true ſoever we may ſuppoſe it to be, had it any Effect, for the Emperors, and other foreign Kings who ſucceeded to them, were always from that Time Lords of *Italy* and *Rome*. Neither did the Popes pretend to any Thing in *Italy* but thoſe Patrimonies, which they poſſeſs'd by the Bounty of ſome Prince or private Perſon, given them for their Maintenance, as is ſaid, and as all other Eccleſiaſticks held theirs in other States over all Chriſtendom. It was truly *Pepin*, after the Popes had paved ſo convenient Ways for making themſelves deſerve ſo well at his Hands, who from the Lowneſs of a mean Fortune, inrich'd them with the Spoils of the *Longobard* Kings, and the *Greek* Emperors, by giving them Cities and Provinces; and, if the Truth was own'd, he was moſt liberal of them, as generally all thoſe People are, who are not profuſe of their own, but of other Peoples Goods. Theſe certainly belong'd to *Conſtantine* Emperor of the Eaſt; and, truly ſpeaking, this Donation ought to have been made, not by *Pepin*, but by *Conſtantine*, whoſe Right they were: Whence ſome have written [1], that this Donation was made in the Name of *Conſtantine*; which gave Riſe to the Fable of the Donation of *Conſtantine the Great.* From this Time forth the Popes left off in their Letters and Bulls, to take notice of the Years *Piiſſimorum Auguſtorum*, as formerly they had done. And being aſſur'd of the Protection of *France*, they renounc'd their Obedience to the Emperors of the Eaſt, and would no longer be deem'd his Subjects: On the other hand, the Greatneſs of the Popes was of ſuch Advantage to *Pepin*, that it brought to his Son *Charles* who ſucceeded him, not only the Kingdom of *Italy*, by driving out the *Longobards*, but alſo the Empire of the Weſt, which the Pope would reſtore in the Perſon of *Charles*, as we ſhall ſhew in the following Book.

THE *French*, tho' willing to be reputed Authors of the Greatneſs and Temporal Dominion of the Apoſtolical See, which cannot be deny'd them, yet contend, that the Popes had only the *Dominium Utile* of theſe Cities, which were given to the Church by *Pepin*; but that the Sovereignty remain'd in *Pepin*, and the other Kings of *France* his Succeſſors, which *Sigonius* in his Hiſtory cannot deny; it being manifeſt, ſay they, that the Deſcendants of *Pepin* had the ſovereign Authority, which they exercis'd almoſt over all *Italy*. And that it was long after that the Popes became Sovereigns of *Rome* and theſe Provinces; not by the pretended Ceſſion which *Charles the Bald* made of his Claim, Rights and Prerogatives, but by the Declining of the Empire, after it was confin'd to *Germany* alone, juſt as ſo many other Princes of *Italy* lawfully poſſeſs, at this Day, the Sovereignty which they have acquir'd in the Weſt.

PETER DE MARCA [2], lets us ſee how, and upon what Foundations the Popes by degrees took upon them the Sovereignty of *Rome*, which was certainly not in theſe Times. He ſays, as the Exarchate of *Ravenna* was yielded to the Pope by *Pepin*, by the ſame Rule, the Superintendency and Government of *Rome* likewiſe belong'd to him, as it had done to the Exarch of *Ravenna*, to whom the *Greek* Dukedoms, and alſo that of *Rome* had been ſubject; the Sovereignty belong'd to the Emperors of the Eaſt, the Adminiſtration to the Exarchs: Whence the Popes as Exarchs pretended to it. But *Pepin* and *Charles the Great* being made Patricians of *Rome*, the Patriciate imported the having the Care of that City, and we ſhall ſee the Pope and the Patrician together taking Care of the Government of it, as Pope *Adrian* and *Charles the Great* did. After *Adrian*'s Death, *Leo* III. who ſucceeded him, left the ſole Adminiſtration to *Charles*, who from the Patrician was now raiſed to the Imperial Dignity, which carried the Sovereignty of *Rome* along with it, and the

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[1] Span. de Imag. contra Maimburg.

[2] P. de Marca lib. 3. cap. 11. num. 7, 11, & 12.

Popes no more intermeddled in the Government of it, till the Authority of the Emperors, Succeſſors of *Charles*, by piece-meal declining in *Italy*, at laſt *Charles the Bald*, in the Year 876, yielded all his Claim and Sovereignty over *Rome* to the Apoſtolical See: Whence it is, that *Conſtantinus Porphyrogentus*[1], deſcribing the State of *Europe* in his Time, about the Year 914, ſays, that *Rome* held of the Popes *Jure Dominii*; whence began the Cuſtom of marking the Years of the Popes in their Bulls, whereas formerly the Years of the Princes and Emperors were mention'd.

THE Abbot *John Vignoli* in our latter Times, to wit, in the Year 1709, has publiſh'd a ſmall Book, intitled, *Antiquiores Pontificum Romanorum denarii*, wherein, contrary to the Opinion of the *French*, he endeavours to demonſtrate, that the Senate and People of *Rome*, after having thrown off the Yoke of the Emperors of the Eaſt, ſubjected themſelves to the *Roman* Pontiffs, by acknowledging them for their Sovereigns; and that they not only had the *Dominium Utile* of *Rome*, but likewiſe the *Directum.* He pretends to prove it from the Coins yet extant of the Princes; and tho' there may be ſome more ancient ones, yet he confines himſelf to thoſe that are ſtill to be ſeen, ſtruck under *Adrjan* I. *Leo* III. and other Popes; and tho' ſome of them, ſuch as thoſe of *Leo* III. and other Popes, bear the Names of the Emperors, to wit, *Charles the Great*, *Lewis*, *Otho*, &c. as well as the Names of the Popes; yet this gave Occaſion to *Le Blanc* a *Frenchman*, to compile a Treatiſe with this Title, *An Hiſtorical Diſſertation upon ſome Coins of* Charles the Great, Lewis the Pious, Lothaire, *and their Succeſſors*, *coin'd in* Rome; wherein he confutes the Opinion of thoſe, who pretend, that theſe Princes never had any Authority in *Rome*, but by the Conſent of the Popes; notwithſtanding this, the ſaid Abbot *Vignoli* endeavours to demonſtrate, that a great deal of the Popes Money had not the Names of the Emperors, ſuch as one Piece of *John* VIII. which is only mark'd with that of this Pope: However that may be, *Le Blanc*'s Work ſhews how doubtful the Opinion of *Vignoli* is, and how much better founded that of the *French* is.

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[1] Conſt. Por. de Themat. lib. 2. Th. X. Roma Regium depoſuit Princip. & propriam Adminiſtrationem, ac Juriſdictionem obtinuit, eique proprie dominatur quidam ſuo tempore Papa.

SECT. III.

The Laws of Aſtolphus, *and his Death.*

ASTOLPHUS notwithſtanding theſe Loſſes and Diſcouragements, turn'd his Thoughts towards the Preſervation of his Kingdom; for this end he made new Laws, adding them to thoſe of his Predeceſſors, which he chang'd and alter'd as the Circumſtances of the Times requir'd; therefore in the fifth Year of his Reign, having aſſembled in *Pavia* from diverſe Parts the chief Lords and Magiſtrates of his Kingdom, after the Example of his Predeceſſors, he publiſh'd an Edict by which he eſtabliſh'd many Laws. We have likewiſe this Edict of *Aſtolphus* in the Code of the Monaſtery of the Cave intire, which contains Twenty-two Chapters; the firſt begins, *Donationes illæ, quæ factæ ſunt a Rachi Rege, & Taſſia conjuge*; the laſt has for Title, *Si quis in ſervitium cujuſcunque pro bona voluntate introierit.* The Compiler of the *Longobard* Laws inſerted ſome of theſe Laws in thoſe Books: we read of three of them in the Firſt Book; one under the Title *De Scandalis*; another under the Title *De Exercitalibus*; and another under this *De Jure Mulierum*: Fifteen in the Second Book, one under the fourth Title; another under that *De Succeſſionibus*; another under the Title *De Ultimis volunt.* Another under Tit. 20.; two under the Title *De Manumiſſionibus*; two other under that *De Præſcriptionibus*; and ſeven under the Title *Qualiter quis ſe defendere deb.* And in the Third Book we alſo read one under Tit. 10. which is the laſt of the *Longobard* Kings; for *Deſiderius* his Succeſſor, in whom the Kingdom was extinguiſh'd, and conquer'd by the *French*, being

being employ'd in more troubleſome Affairs, could not provide the Kingdom, which he was unfortunately to relinquiſh, with other Laws.

BUT whilſt this Prince, by cruel Neceſſity having ſurrendered the Exarchate, and ſo many other Cities, was altogether intent on contriving new Ways whereby to revenge himſelf of the Oppreſſion of the *French*, and to renew the War; he went one Day a Hunting, and was aſſaulted by a wild Boar, or, as others relate, fell accidentally from his Horſe, or, as *Erchempertus* ſays [1], was ſtruck with a Dart; but however that may be, the Caſe was ſo fatal to him, that in a few Days he died without Iſſue, leaving the Kingdom in the Year 756, full of Calamities and Jealouſies.

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[1] Erchemp. p. 6. Aſtulphus poſt hæc, in venatione Sagitta percuſſus, mortuus eſt.

CHAP. III.

The Neapolitan *Dukedom,* Calabria, Brutium, *and ſome other Maritime Cities of theſe our Provinces, continue in their Allegiance to the Emperor* Conſtantine, *and* Leo *his Son.*

NOTWITHSTANDING the great Blow which the Emperors of the Eaſt had got in *Italy*, the *Neapolitan* Dukedom, which at this Time had extended itſelf beyond its Limits, comprehending likewiſe *Amalphis*; the Dukedom of *Gaeta*, almoſt all *Calabria* and *Brutium*; continu'd ſtedfaſt in its Allegiance to its ancient Princes, and altho' the Exarchate was loſt, and all that was ſubject to the *Greek* Empire in *Italy*, yet the Emperors of the Eaſt continued to have Dominion in theſe our Provinces. The *Neapolitans* remain'd under the Command of their Dukes, who were likewiſe call'd Maſters of the Soldiers, a Title given the Dukes under the Emperors of the Eaſt [1]. This was a *Greek* Magiſtrate, who was ſent from *Conſtantinople*. *Theodore* was ſuch in this Century in the Year 717, who left a Monument of himſelf in this City, being ſaid to be the Founder of the Church of SS. *Peter* and *Paul*, now demoliſh'd, as was read on a Stone which was formerly there, and now in the Church of *Donnaromata*. *Exhilaratus* bore the ſame Office in *Naples*; as alſo did about this Time, after the Death of *Aſtolphus*, *Stephen*, who govern'd this Dukedom twelve Years, and after his Wiſe's Death, was likewiſe made Biſhop of this City.

WHILST *Stephen* govern'd *Naples* in the Quality of Duke, the Emperor *Conſtantine*, as is ſaid, call'd a Council in the Year 753, in *Conſtantinople*, of 338 Biſhops, in which Council they made a Decree againſt the Worſhip of Images; *Conſtantine* and *Leo* his Son, who was aſſociated with him in the Empire, by means of their Edicts ſupported the Decree, and likewiſe employ'd Force in making it to be obſerv'd over all the Eaſt; they alſo attempted to have it put in Execution in the Weſt, whence aroſe thoſe Diſorders and Revolts which we have ſeen; by which the Contentions became more fierce, and the Enmity betwixt the Popes and the Emperors

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[1] P. Carac. de Sacr. Neap. Monum. cap. 30. §. 2. See Pellegrinus on theſe Maſters of the Soldiers, hiſt. Long. par. 1. l. 2. p. 31. Ab. de Noce in notis ad Chr. Caſſin. l. 2. c. 58. Mon. 1057.

perors of the Eaſt was the more exaſperated: In this Year 757, Pope *Stephen* dying, was ſucceeded by *Paul*. He was no leſs hated than his Predeceſſors had been by the Emperors of the Eaſt, who endeavour'd to get the Decree of this Council likewiſe to be obey'd in the Dukedom of *Naples*, and all the other Places which had continu'd ſtedfaſt in their Allegiance to them. The *Neapolitans*, tho' averſe to its being put in Execution, as being more addicted to the Worſhip of Images than any other People of *Italy*; nevertheleſs, that they might not be charg'd with Diſobedience, were careful in all other Things to ſhew their Reſpect, and exact Adherence to the Will and Authority of their Sovereigns; inſomuch, that their Biſhop *Calvus* dying at this Time, and *Paul* a great Friend and Intimate of the Pope's being ordain'd Biſhop of *Naples* by him, the Emperor excepted againſt him as an Adherent of the Pope's, forbidding him to be receiv'd into that Church, as one that had rendered all his Deſigns of having the Decree of the Council of *Conſtantinople* receiv'd in *Naples* abortive. In this the *Neapolitans* adhered to the Will of the Emperor and the *Greeks*, and ſtopp'd *Paul* from going to *Rome* to be conſecrated by the Pope: Nine Months after, *Paul* went privately to *Rome*, where the Pope immediately conſecrated him; but being returned to *Naples*, as *Joannes Diaconus* in his Chronicle of the Biſhops of this City, relates, the *Neapolitans* would not receive him into the City, but having call'd a Council amongſt themſelves, they ordered him to go to the Church of S. *Januarius*, not far from the City, where he remain'd for the Space of 2 Years; in the mean Time the Clergy as well as the People generally obey'd him, and own'd him as their Paſtor, and he diſpos'd of all Matters relating to the Church without any Controul, and perform'd all the Epiſcopal Functions. At laſt the Nobles perceiving that by the Abſence of their ſo worthy Paſtor, the City languiſh'd, reſolv'd to bring him into it, and with much Rejoycing and Solemnity went to receive him, and put him in Poſſeſſion of his Biſhoprick, who govern'd this Church for other two Years, and died. They excus'd themſelves to the Emperor, by alledging, that they could no longer bear the Vacancy of their Church.

BY the Death of *Paul*, the *Neapolitans* in the Year 746, elected the ſaid Duke *Stephen* for their Biſhop; who altho' he was elected Biſhop, did not quit the Dukedom, but govern'd it together with his Son *Ceſarius*, whom he had made his Collegue. *Ceſarius* died before his Father, ſo that *Stephen* govern'd it alone until the Year 791, in which he died. *Theophilactus* ſucceeded him in the Dukedom. He was his Son-in-Law, having marry'd his Daughter *Euprassia*. *Antimius* [1] ſucceeded to *Theophilactus* in the End of this Century, of whom 'tis ſaid, that during his Conſulſhip he built the Church of S. *Paul* the Apoſtle in *Naples*, and the Monaſtery of SS. *Quiricus* and *Julitta*. Theſe were the Dukes who govern'd the *Neapolitan* Dukedom in this eighth Century for the Emperors of the Eaſt, to whom it was ſubject. They were likewiſe call'd Conſuls. But how the Dukes of *Naples* came to be call'd Conſuls, none of our Writers, ſo far as I know, have had the Curioſity to inquire into the Reaſon of it.

THE Title of Conſul, which was had in ſo great Eſteem by the *Roman* Emperors, and afterwards by thoſe of the Eaſt, and which they look'd upon as an Honour to themſelves, about the latter End of the *Greek* Empire, was at laſt altogether ſlighted by them and left off. What made them lay it aſide was, becauſe they ſaw the Princes, whom they reputed Barbarians and Uſurpers of the Empire, make uſe of it. *Charles the Great*, to ſhew that he ſucceeded to all the Rights and Privileges of the ancient Emperors of the Weſt, amongſt his other Titles aſſum'd this to himſelf; the other *French* Emperors his Succeſſors did the ſame: After their Example the *Italian* Emperors *Berengarius* Duke of *Friuli*, and *Guido* Duke of *Spoletium* took it likewiſe [2]. In fine, even the *Saracens* after they had conquer'd *Spain*, in Imitation of the Emperors of *Conſtantinople*, would likewiſe be call'd Conſuls. *Abderamus* King of the *Saracens* in *Spain*, who began to reign in *Cordova* in the Year 821. *Mahomet* his Son and Succeſſor in the Kingdom, as the Works of S. *Eulogius* aſſure us [3], in their Writs, mark'd not only the Years of their Empire, but likewiſe of their Conſulſhip. But in the ninth Age of the Church, as the Emperors of the Eaſt made other honorary Conſuls, ſo the *Saracen* Kings not only call'd themſelves Conſuls, but likewiſe the chief Magiſtrates of their Kingdom did the ſame [1]: Whence it came to paſs, that according to the *Greek* Vanity, which could not bear that ſuch a ſpecious Title ſhould be uſurp'd by foreign and barbarous Nations, the Emperors ſlighted it ſo much, by giving it to their inferior Magiſtrates, that at laſt, as the moſt accurate *Pagi* [2] proves, they left it off altogether about the Year 933; and only a Shadow and Image of that Dignity and Title was continued in many of their Officers, and was at laſt attributed even to private Perſons.

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[1] Concerning Antimius V. Chioc. de Veſc. Nap. pag. 78.

[2] P. Pagi de Conſulib. pag. 370.

[3] S. Eulog. in Memoriali Sanctorum, lib. 2. cap. 1.

THE *Saracens* were wont to give this Title to their Sea Admirals, whence afterwards it came to be given to thoſe who had the Inſpection of the Marts and Sea-Ports; and *Codinus* [3], *Pachimeres* [4], and *Gregoras* [5] obſerve, that the *Piſan* and *Anconitan* Magiſtrates, who ſtay'd in *Conſtantinople*, were call'd Conſuls. From whence comes the Conſulſhip of the Sea; and from whence in the Authors of the later Ages, mentioned in the Gloſſary of *Dufreſne*, we ſee it diſperſed in Communities, amongſt Judges and different Orders of Perſons, down to Tradeſmen. It ought not then to ſeem a new and ſtrange Thing, if in this eighth Century, the Title of Conſul, peculiar to the Emperors, and formerly ſo illuſtrious and renown'd, be given to the Dukes of *Naples*, who were Officers of the *Greek* Empire, to which this Dukedom was ſubject.

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[1] Eulog. lib. 2. cap. 6.

[2] P. Pagi de Conſulib. pag. 370.

[3] Codin. cap. 7. num. 9.

[4] Pachimeres, lib. 2. cap. 32.

[5] Gregoras, lib. 4.

CHAP. IV.

Of Deſiderius *the laſt King of the* Longobards.

BY the Death of *Aſtolphus*, who left no Iſſue, the Throne continu'd vacant, becauſe *Rachis* his Brother, tho' alive, was become Monk. *Deſiderius* Duke of *Tuſcany*, whom *Aſtolphus*, beſides his having that Dukedom, had likewiſe made Conſtable of the Kingdom, laid hold of this Opportunity to get himſelf proclaim'd King, by the Votes of his *Tuſcan Longobards*. *Rachis* having heard this, was fill'd with Indignation, and gave way to ſuch Extravagancy, that at any rate he would leave the Monaſtery, renounce Monachiſm, and return to his Kingdom; there were not wanting ſome who encourag'd him in this Reſolution, and endeavour'd to have it take Effect: But *Deſiderius* having recourſe to Pope *Stephen*, to whom he offer'd as a Recompence, if he would aſſiſt him at this Juncture, *Faenza*, *Ancona*, *Secchia*, and *Ferrara*, Cities which had not been reſtor'd by *Aſtolphus*; the Pope had ſo much Influence on *Rachis*, that at laſt he made him eaſy, and lay aſide his Reſolution of leaving the Monaſtery; and as a Reward for his Mediation, receiv'd from *Deſiderius* the promiſed Cities; and after *Deſiderius* had been but a ſhort Time fix'd in his Kingdom, *Stephen* ended his Days the 26th of *April* of this Year 757. A Pope, to whom the Church of *Rome* was much more beholden than to his Predeceſſors; he by his Management had inlarged it with ſo many fine Cities and States, and left its Affairs in ſo proſperous a Condition, that his Succeſſors did not fail to improve it, as *Paul* did who ſucceeded him, and after him another *Stephen*; but *Adrian* much more, who by Treaties which he made with *Charles the Great*, brought its Power to a yet higher Pitch, as we ſhall ſee by-and-by.

DESIDERIUS

†

DESIDERIUS after he had reign'd two Years, would follow the Example of his Predeceſſors, in taking *Adelgiſus* his Son for Collegue; but it was not long before Pope *Stephen* III. or be it IV. who ſucceeded to *Paul*, ſuſpecting his Proceedings, and believing that all his Motions were in Prejudice of his Dominions, the uſual Suſpicions, and the accuſtom'd Jealouſy aroſe betwixt them: At laſt it came to an open Rupture. King *Deſiderius* having caus'd the Archbiſhoprick of *Ravenna* to be conferr'd on a certain *Michael* his Confident and Domeſtick, *Stephen* drove him from that See. The King out of Revenge order'd the Eyes of *Chriſtophanus* and *Sergius*, who had been ſent by the Pope to *Pavia*, to demand the Eſtates which belong'd to the Church of *Rome*, to be put out; and foreſeeing where theſe Diſputes would end, ſought to make a ſtrict Alliance with the *French*, that they might not ſo readily give Ear to the continual Sollicitations of the Popes: At this Time *Pepin* was already dead, and his Sons *Charles* and *Carloman* had divided the Kingdom betwixt them; who, tho' they agreed well enough at firſt, yet afterwards became more jealous of one another. *Deſiderius* reckon'd it would be a Security for him to enter into Affinity with theſe two Princes, by offering them his two Daughters in Marriage. *Stephen* having underſtood this, immediately wrote a very pithy Letter to *Charles* and *Carloman*, in order to diſſuade them from theſe Marriages, threatning if they conſented, *Anathematis vinculum, & æterni cum diabolo incendii pænam* [1]. But in ſpite of all he could do, they happily married the two Siſters, both Daughters of King *Deſiderius*, who underſtood ſo well how to gain *Bertrada* the Mother of *Charles* and *Carloman*, that by her Perſuaſion the Marriages were concluded. The Diſpleaſure of the Pope was no leſs than the Pleaſure of *Deſiderius*, who believ'd that by theſe Means he had put a ſtop to his getting Aſſiſtance. But this Alliance did not continue long, for there were not wanting Means to bring it about, that *Charles* ſhould divorce the Princeſs his Spouſe, under pretence of having found out an Infirmity in her, which made her uncapable of having Children; neither was there wanting the Aſſiſtance and Authority of the Laws to ſupport ſo ſtrange a Fact, there being many Biſhops ready to declare the Marriage null, and to allow *Charles* the Year following to marry *Ildegarda* of *Suevia*. King *Deſiderius* was greatly incens'd at this Divorce, and the Death of *Carloman* happening ſoon after, Queen *Berta* being left a Widow with two Sons, and afraid that ſhe was not ſafe in *France*, and that *Charles* might take an Opportunity of deſtroying his Nephews, as he had robb'd them of the Kingdom, went raſhly and put herſelf and her two Sons under the Protection of *Deſiderius* her Father, who willingly took hold of this Opportunity, in order to be able ſome Time or other to revenge himſelf upon *Charles*, for having a little before ſent him back his Daughter.

DESIDERIUS, having the Sons of *Carloman* in his Hands, endeavour'd to form a powerful Party, and to divide and diſconcert *France*, that being taken up with its own Miſfortunes, it might not be in a Condition to mind the Affairs of *Italy*. In the mean time *Stephen* dying, *Adrian* I. was elected in the Year 772, who in the Beginning of his Pontificate treated of a Peace with *Deſiderius*; and they agreed betwixt themſelves not to diſturb one another; therefore *Deſiderius* believing that this new Pope would be of different Sentiments from his Predeceſſors, thought for the more eaſily attaining his Ends, to perſuade him to conſecrate the two Sons of *Carloman* Kings; he left no Stone unturn'd, both by Prayers and Promiſes, to oblige him to come and anoint the two young Princes, and to get them to be acknowledged Kings of *Auſtraſia*. After the Example of *Pepin* and his Sons, the Ceremony of Anointing had by Degrees been introduc'd amongſt Chriſtian Princes, which by the People was reputed a Mark and Token of Principality; and that thoſe who had been anointed, ought to be acknowledg'd for juſt and lawful Kings, and by all own'd as ſuch. But *Adrian*, who inwardly was harbouring the ſame Maxims with his Predeceſſors, and was no leſs ſuſpicious of the Power of the *Longobards* in *Italy*, would by no means diſguſt King *Charles*, but was always Proof againſt the continual Inſtigations of *Deſiderius*; therefore he being much offended, and at laſt loſing all Patience, believing that he ſhould be able to obtain by Force, what he had not ſucceeded in by Intreaties, invaded the Exarchate, and in an inſtant having taken *Ferrara*, *Comachio*, and *Faenza*, deſign'd to lay Siege to *Ravenna*. *Adrian* did not fail to ſmooth him by his Legates, and to endeavour to get Reſtitution by their Means, of the Cities; neither would *Deſiderius* have been obſtinate in refuſing to do it, provided that the Pope would have come himſelf, with whom he was deſirous to ſpeak, and treat of a Peace. But *Adrian* rejecting the Invitation, and all Treaties, was obſtinately reſolv'd never to appear before him, until firſt he had got Reſtitution of the Cities he had ſeiz'd. Thus by Degrees the Popes began to deny that Reſpect and Honour to the Kings of *Italy*, which formerly their Predeceſſors vouchſafed to beſtow upon them. *Deſiderius* being more provok'd at this haughty Proceeding of *Adrian*, immediately commanded his Army to march into *Pentapolis*, where he ravag'd *Sinigaglia*, *Urbino*, and many other Cities of the Patrimony of St. *Peter*, even to the Neighbourhood of *Rome*. This was what haſten'd the fatal Ruin of the *Longobards*; for *Adrian* did not fail to have his recourſe to *France*, and not only to demand Aſſiſtance from *Charles*, but alſo to invite that Prince to come and conquer *Italy*; and becauſe the *Longobards* had ſtopp'd all the Paſſages by Land, he ſent a Legate by Sea to urge his coming.

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[1] Tom. 6. Conc. col. 1717.

ON the other hand, *Deſiderius* did not fail, as ſoon as he was adviſ'd of this recourſe, to ſhew King *Charles* the Inclination, which, he ſaid, he had always had to live in Peace with *Adrian*, complaining grievouſly of his Obſtinacy, that he having offer'd him Peace, and deſir'd to ſpeak with him, the Pope refuſ'd to comply; and beſides he did not neglect by his Letters to ſundry Princes, and publick Maniſeſto's, to defend himſelf againſt the Accuſations of *Adrian*, who had repreſented him to the *French* as the Deſtroyer of *Tuſcany*, as barbarous, inhumane, fierce, cruel; and accuſed him as guilty of many Crimes: So that in order to purge himſelf of theſe Accuſations, *Deſiderius* found it neceſſary to ſend Ambaſſadors into *France* to *Charles*, to aſſure him that he had ſettled Peace with the Pope, and given him back all that he could pretend to.

BUT *Charles*, who wanted nothing more than ſo fair an Opportunity of revenging himſelf upon *Deſiderius*, who by keeping his Nephews, did all he could to divide his Kingdom, and who could not expect to have a better Occaſion of driving the *Longobards* out of *Italy*, receiv'd the Invitation made by *Adrian* with incredible Satiſfaction. He was at this Time (on account of the ſo many Victories which he had gain'd in *Aquitain*, and in *Saxony*) famous and formidable in *Thionville* on the Banks of the *Moſelle*; there he receiv'd the Pope's Legate, and withal gave Audience to the Ambaſſadors of *Deſiderius*, of whom he ſoon rid himſelf, by ſending them back without concluding any thing: He accepted of the Pope's Propoſal with much pleaſure, and immediately putting himſelf at the Head of a powerful Army, forced his Paſſage over the *Alps* at two different Places, by cutting in pieces the *Longobards* that oppos'd him.

DESIDERIUS on the other hand made haſte himſelf in Perſon with his Army to ſtop him; but being met by *Charles*, the main Body of his Army was defeated, and forc'd to retire, whereupon he reſolv'd to defend himſelf in *Pavia*, in which he ſhut himſelf up. *Charles* immediately laid cloſe Siege to it; and in the mean time with a Part of his Army aſſaulted *Verona*, into which City *Adalgiſus* had retir'd in order to defend it, together with *Berta* and her two Sons. When this Prince ſaw himſelf ſtraiten'd, deſpairing of his Father's Condition, and of being able to defend the Place, he choſe to leave it and fly, rather than to fall into the Hands of *Charles*, and after having wander'd up and down for a long Time, ſeeing at laſt, that all was loſt to the *Longobards*, he made his Eſcape by Sea to *Conſtantinople*, where he was receiv'd by the Emperor *Leo*, Son of *Copronimus*, with much Satiſfaction, and entertain'd by him. As ſoon as the People of *Verona* ſaw *Adalgiſus* leave the Place, they ſurrender'd to *Charles*, who taking *Berta* and her two Sons, ſent them immediately to *France*, and it was never known what became of theſe two unhappy Princes afterwards. All the other Cities of the *Longobards* being ſubverted by the Means and Contrivance of the Pope, yielded of themſelves to *Charles*. *Pavia* only held out, which being defended by *Deſiderius*, continu'd ſtill in its Allegiance.

CHARLES having laid cloſe Siege to *Pavia*, would go to *Rome* to keep the Feaſt of *Eaſter*; the Exceſs of Gladneſs which *Adrian* diſcover'd, the Honours which were done him by the *Romans* and the Clergy, every Thing being directed by the Pope, were incredible. He was proclaim'd King of *France* and of the *Longobards* at the ſame Time, and a Patrician of *Rome*, being met a Mile without the Gates of *Rome*, and receiv'd by all the Nobility and Magiſtrates, and by the Clergy in their ſeveral Orders, carrying Croſſes, and ſinging Hymns. After the Rejoicings and

Feaſting they came to the main Point, *Charles* was requir'd by the Pope to confirm the Donations which *Pepin* his Father had made to the Church of *Rome*; which he did moſt frankly, and with a good Will, cauſing *Eterius* his Notary to draw up a new Inſtrument of Confirmation, ſubſcrib'd by himſelf, by all the Biſhops and Abbots, by the Dukes and Great Men that had come along with him, *Super Altare B. Petri manu propria poſuit*, according to *Oſtienſis*[1].

ANASTASIUS BIBLIOTHECARIUS, as is ſaid, magnifies this Donation of *Charles* very much; and to the Exarchate of *Ravenna* and *Pentapolis*, he adds the Iſland of *Corſica*, all that large Country which from *Luna* ſtretching along into *Sorano* and *Monte Bordone*, comprehends *Vercetri*, *Parma*, *Reggio*, *Mantua*, and *Monſelice*; the Provinces of *Venice* and *Iſtria*; and the Dukedom of *Beneventum* and *Spoletium*. The Chronicle of the Monaſtery of St. *Clement* relates, that *Charles* added to the Donation of *Pepin* only theſe two Dukedoms. *Sigonius* afterwards, and other more modern Writers, are not ſatisfy'd with that, they add the *Sabinian* Territory, ſituated betwixt *Umbria* and *Latium*, part of *Tuſcany* and likewiſe of *Campania*. *Peter de Marca*[2], which is wonderful, who alſo writes like the vain-glorious *French*, who ſo much magnify this Donation, in order to cry up the *French* Generoſity, adds all *Campania*, and with it the City of *Naples*, *Aprutium*, and alſo *Puglia*; pointing by that at the Origin of our Papal Inveſtiture. Others add to theſe *Saxony* likewiſe, at this Time ſubdued by *Charles*; moreover that he alſo gave away Provinces which were not his own, and which he never acquir'd, to wit, *Sardinia* and *Sicily*; and that of all theſe Provinces and Dukedoms, he only reſerv'd the Sovereignty to himſelf. But neither the ancient Annals of *France*, nor the Series of ſubſequent Matters, nor the Archives of the *Vatican* have ever been able to ſhew us the Inſtrument of this Donation, on which many others of leſs Conſequence depend; which is a Demoſtration that all theſe Relations are fabulous, and that *Charles* did no more than confirm *Pepin*'s Donation of the Exarchate and *Pentapolis*. Yet ſome again have written, that he likewiſe augmented it, becauſe he made many Places of the Exarchate and *Pentapolis* which were poſſeſs'd by the *Longobards*, together with the Patrimonies which the Church of *Rome* had in the Dukedoms of *Spoletium* and *Beneventum*, in *Tuſcany*, *Campania*, and elſewhere, which were likewiſe poſſeſs'd by the *Longobards*, to be reſtor'd. And in this Senſe *Paulus Æmilius*[3], and other Authors have ſaid, that *Charles* not only confirm'd the Gifts of *Pepin* his Father, but likewiſe augmented them; of which the Hiſtory of Things that fell out afterwards is a convincing Proof; for *Charles* under the Name of the Kingdom of *Italy* poſſeſs'd *Liguria*, *Corſica*, *Æmilia*, the Provinces of *Venice*, and of the *Alpes Cottiæ*, *Piemont*, and the *Genoueſe* Country, which he had taken from the *Longobards*, and added to his own Dominions; neither do we read that this Part of *Italy* had ever been in the Poſſeſſion of the Popes.

THIS will more evidently appear when we find that theſe three famous Dukedoms of *Friuli*, *Spoletium*, and our *Beneventum* were never in the Poſſeſſion of the Popes; as ſhall be clearly ſhewn in the following Book of this Hiſtory, to wit, that theſe three Dukedoms had their own Dukes; neither did *Charles* pretend to any Thing in them, but that Sovereignty which the *Longobard* Kings his Predeceſſors had had; but our Dukes of *Beneventum* threw off the Yoke altogether by denying any Allegiance to him, and liv'd free and independant; and it was very many Years after, that the City of *Beneventum* was exchang'd with the Church of *Bamberg*, and given to the See of *Rome*, but not the Dukedom, which was always poſſeſs'd by our Princes.

FROM *Charles*'s having caus'd the Patrimonies which the Church of *Rome* poſſeſs'd in the *Alpes Cottiæ*, the Dukedom of *Spoletium* and *Beneventum* to be reſtor'd, aroſe the Miſtake of thoſe Writers, who by confounding the *Alpes Cottiæ* with the Province, the Patrimony of *Beneventum* with the Dukedom, have written that *Charles* gave theſe Dukedoms and that Province to St. *Peter*: So that what we read in S. *Adrian*'s Letters concerning the Dukedoms of *Spoletium* and *Beneventum* being given to St. *Peter*, ought to be underſtood of nothing elſe but theſe Patrimonies; as when the Emperor *Lewis the Pious*, *Otho* III. and the other *Otho*, King of *Germany*, confirm'd the *Beneventan*, *Salernitan*, and *Neapolitan* Patrimonies, to *Paſchal* I. and *John* XXII. as alſo the Emperor *Henry* IV. did to *Paſchal* II. they meant nothing elſe but theſe Lands and Poſſeſſions, which the *Roman* Church, as the Patrimony of St. *Peter*, poſſeſs'd in theſe our Provinces, which our ancient Writers call'd *Juſtitias Eccleſiæ* [1]. Therefore only the Exarchate of *Ravenna*, *Pentapolis*, and ſome other Places of the *Roman* Dukedom, became ſubject to the Dominion of the Church of *Rome*, *Charles* reſerving the Sovereignty to himſelf; but in *Rome* itſelf, and the *Roman* Dukedom, there were in theſe Times Veſtiges remaining of the Dominion of the Emperors of the Eaſt, who, weak as they were, kept always their Officers there, and were likewiſe acknowledg'd as Sovereigns until the Time of *Leo* III. the Succeſſor of *Adrian*, that the People of *Rome* put themſelves under the Allegiance and Subjection of King *Charles*, whom they raiſed from a Patrician to be *Roman* Emperor. I do not mention the Iſlands of *Sicily* and *Sardinia*, which were never conquer'd by *Charles*, but were long in the Poſſeſſion of the *Greek* Emperors, till the *Saracens* robb'd them of them.

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[1] Oſtien. lib. 1. cap. 12.

[2] P. de Marca de Concord. Sac. & Imp. lib. 3. cap. 10. num. 5.

[3] P. Æmil. rer. Franc. pag. 18.

CHARLES then having thus ſatisfy'd the Pope and the *Romans*, return'd to the Camp before *Pavia*: Having nothing more to do but to reduce this City under his Obedience, he employ'd all his Power in order to make himſelf Maſter of it, becauſe it being the chief City of the Kingdom, and once in his Hands, the *Longobards* would give over all Hopes of getting Footing again in the loſt Cities. Therefore he beſieg'd it more cloſeſly, ſtopping all the Paſſages by which it could expect Relief. *Deſiderius* held it out to the utmoſt Extremity, the People being not only afflicted with Famine, but alſo with the Plague, which ſtill conſum'd them; at laſt in the Year 774, he was forc'd to ſurrender the Place, himſelf, his Wife and Children, to the Diſcretion of *Charles*, who ſent them all to *France*, where they ended their Days in *Corbie*, never after having been heard of. Thus in one Campaign *Charles* made himſelf Maſter of the greateſt Part of *Italy*, but not of theſe Provinces of which our Kingdom is now compoſ'd, nor of the Dukedoms of *Beneventum* and *Naples*, nor of the other Cities of *Calabria* and *Brutium*, which remain'd long under the Dominion of the Emperors of the Eaſt, as we ſhall ſee in the following Book.

THUS the Popes began to transfer Kingdoms from one People to another; whence it came to paſs, that the ſame Footſteps being more cunningly and dextrouſly follow'd by their Succeſſors, they became terrible to Princes, who in order to have them for their Friends, little minding the Sovereignty of their Dominions, and their own Dignity, ſubjected themſelves to them ſo as to become their Vaſſals, and Tributaries to that See. Thus likewiſe ended the Kingdom of the *Longobards* in *Italy*; a Kingdom, tho' in its Beginning rude and unpoliſh'd, yet afterwards it became ſo mild and civiliz'd, that for the Space of Two hundred Years that it laſted, it was envied by all other Nations. *Italy* being once accuſtom'd to the Government of the *Longobard* Kings, did not look upon them any more as Strangers, but as its own natural Princes; for they had no other Kingdoms or Dominions in any other Part of the World, but *Italy* was now become their own Country; for which Reaſon it could not be ſaid to be in Slavery, and ruled by a foreign Nation, as it was afterwards, when, by deplorable and frequent Changes, it was ſubjected to various Nations, and groan'd long under the heavy Yoke of Bondage. It was truly a wonderful Thing, ſays *Paul Warnefride* [2], and alſo the Abbot of *Weſperg*, that in the Kingdom of the *Longobards* there was no Violence committed, no Treaſon hatch'd, no Body unjuſtly diſpoſſeſs'd, none oppreſs'd with Taxes; there were no Robberies, no Theft, every Body went whither he pleaſed moſt ſecure. The Popes, and eſpecially *Adrian*, who could not abide to ſee them in *Italy*, as being a

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[1] In the Charter of Confirmation, made by Otho the Great to the Pope in the Year 962, related by Baronius An. 962. num. 3. we read expreſly theſe Words: Sicuti, & Patrimonium Beneventanum, & Patrimonium Neapolitanum, & Patrimonium Calabriæ ſuperioris, & inferioris, de Civitate autem Neapolitana cum caſtellis, & territoriis & finibus, & inſulis ſuis ſibi pertenentibus, ſicut ad eaſdem reſpicere videntur: Nec non Patrimonium Siciliæ, ſi Deus noſtris illud tradiderit manibus; ſimili modo civatem Cajetam, & Fundum cum omnibus eorum pertinentiis, &c. Binius in notis ad Con. Lateran. An. 1112. tom. 7. Concil. par. 1. fol. 544, relates ſuch another Precept of the Emperor Henry IV. made to Paſchal II. wherein we likewiſe read: Jurejurando firmavit de Apoſtolici ipſius vita, & honore de Membris, de Mala Captione, de Regalibus; etiam Patrimoniis B. Petri, & nominatim de Apulia, Calabria, Sicilia, Capuanoque principatu factis Sacramentis.

[2] P. Warnef. hiſt. Long. lib. 3. cap. 8.

People who endeavour'd to break all their Meaſures, deſcrib'd them to the World as cruel, inhumane, and barbarous; whence it was, that amongſt the People and Writers of the following Century, they got the Name of unciviliz'd and cruel. But their very prudent and juſt Laws, which conſuming Time hath left us, are ſufficient Documents of their Humanity, Juſtice, and civil Prudence. It hath far'd with them as it did with the *Roman* Laws, that tho' the Empire was ruin'd, yet their Authority and Force were the ſame in the new Dominions which were eſtabliſh'd in *Europe*; even ſo, tho' the Kingdom of the *Longobards* was at an End, yet their Laws remain'd in Force in *Italy*.

CHAP. V.

Although the Longobards *were expell'd* Italy, *yet their Laws were preſerv'd in it. Their Juſtice and Wiſdom.*

ALTHO' the Laws of the *Longobards* came ſhort of the *Roman*, yet if we ſhould put them into the Ballanee with thoſe of other Nations, which ſince the Fall of the Empire have had Dominion in *Europe*, they will be found to excel them all, if we conſider either the Utility and Juſtice of them, the prudent Methods they took to eſtabliſh them, or the Judgment of the moſt grave and prudent Writers who have commended them. The Methods they took, and the great Prudence and Maturity which their Kings practiſed when they had a Mind to eſtabliſh them, deſerve all Praiſe and Commendation. They, as we have ſeen, firſt conven'd the States of the Kingdom, to wit, the Nobles and Magiſtrates in *Pavia*; the Eccleſiaſtical State was not known amongſt them, neither had it Place in the publick Deliberations; as little had the Commonalty, which as *Cæſar* ſaid, ſpeaking of the *Gauls*, *Nulli adhibebatur Conſilio*: There they maturely and diligently examin'd what was moſt juſt and profitable; and that being once eſtabliſh'd, was afterwards publiſh'd by their Kings in their Edicts. A Method, according to the Opinion of *Hugo Grotius* [1], perhaps better than what the *Roman* Emperors themſelves took, whoſe Laws depending ſolely on their Will, which was liable to be impos'd upon and byaſs'd, occaſion'd ſo much Inconſtancy and Alterations, that we ſee *Juſtinian* alone, in one and the very ſame Thing, has alter'd his Opinion and Judgment three or four times. It was a Cuſtom amongſt the *Longobards*, before they made Edicts for publiſhing their Laws, to examine and diſcuſs them by the States of the Kingdom; by which they reap'd many Advantages. Firſt, that there was no Danger of their eſtabliſhing any Thing that would prove hurtful to the Publick, when there were ſo many Eyes, and ſo many prudent Men preſent, from whom the Harm that might reſult, could not be conceal'd. Secondly, That what was eſtabliſh'd by common Conſent, was with a willing Mind obſerv'd by all. And laſtly, That they were not ſo liable to be alter'd, but when a moſt urgent Cauſe requir'd it; as we have ſeen done by *Rotaris*'s Succeſſors, who, *facto periculo*, and after long Experience, knowing ſome of the Laws of their Predeceſſors to be a little harſh and ſevere, and not well adapted to their Times, which were become more docile and civiliz'd, alter'd and chang'd them, with the Advice of the States. Which wiſe and prudent Cuſtom is highly praiſed and commended in the *Swedes*, a Northern People, by that wiſe Lady *Brigid*, to whom we now pay the Honours which are only due to Saints.

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[1] Hug. Grot. in Prolegom. ad hiſt. Got.

IF then we will conſider the Juſtice and Utility, eſpecially of thoſe Laws which are adapted to the Affairs and Buſineſs of private Men, and their Security, ſuch as Matrimony, Guardianſhip, Contracts, Alienations, Teſtaments, the Succeſſions to thoſe who die without making Wills, and the Security of Poſſeſſions; we cannot but reckon them both uſeful and prudent.

IN the ſecond Book of that Volume [1], there are many provident Laws concerning Matrimony which are admir'd. The Well-diſpos'd was not to be join'd to the Libertine, nor the Noble to the Ignoble; whence the Widows of Kings, who were of a Rank ſuperior to all, did not match with any but thoſe of Royal Dignity. But *Juſtinian* took *Theodora* from the Stage, to the great Diſhonour of Princely Dignity. Thoſe who were not born of lawful Wedlock, were not made Knights, nor admitted into the Magiſtracy, nor even to be Witneſſes. Extravagant Gifts betwixt Man and Wife were forbidden; therefore moſt wiſe was that Law of *Luitprandus*, which put a Stop to the Morning Gifts which the Husbands were wont to give to their Wives the firſt Morning after their Marriage, which the *Longobards* call'd *Morgongap* [2]; the Husbands frequently, being inflam'd with Love, and intic'd with the Allurements of their new Spouſes, were wont to give them all: *Luitprandus* [3] prohibited ſo great Extravagancy, and ordain'd that they ſhould not exceed the fourth Part of their Subſtance. And from the Example related by *Du Cange*, we ſee, that throughout the whole eleventh Century this Law was obſerv'd. And 'tis truly new and ſingular what the Abbot *Fontani* relates in his Book againſt *P. Germonius*, which he publiſh'd from Private Memoirs in the Year 1162, that a certain *Folco*, of *Cividale* in *Friuli*, gave to his Wife *Gerlint* all he had, *Omnia ſua propter pretium in mane quando ſurrexit de lecto.* Adulteries were ſeverely puniſh'd. Marriages betwixt Kindred, according to the Preſcription, not only of the Civil but of the Canon Laws, were prohibited; and *Luitprandus* [4] himſelf bears Witneſs, that he was mov'd likewiſe to forbid them by his Laws, *Quia*, as he ſays, *Deo teſte*, *Papa urbis Romæ, qui in omni mundo caput Eccleſiarum Dei, & Sacerdotum eſt, per ſuam Epiſtolam nos adhortatus eſt, ut tale Conjugium fieri nullatenus permitteremus.*

SOME are ſcandaliz'd, that in this ſecond Book of the Laws of the *Longobards* [5], Concubinage ſhould be allow'd, it being forbidden to have at the ſame Time a Wife and a Concubine, as much as to have two Wives, all Polygamy being alſo prohibited amongſt the *Longobards*. But beſides that this Law was made by the Emperor *Lotharius*, and not by any of the *Longobard* Kings; this Wonder ariſes from the not knowing that amongſt the *Romans* Concubinage was lawful [6], and not only tolerated, but allow'd, and therefore it was call'd *Semimatrimonium*, and the Concubine was on that account call'd *Semiconjunx* [7]; and the Man might lawfully have for his Companion either a Wife or a Concubine, but not at the ſame Time both a Wife and a Concubine, becauſe that was reckon'd Polygamy, as much as the having two Wives [8]. This Cuſtom was likewiſe continu'd afterwards, when by the Means of *Conſtantine the Great*, the Empire had embrac'd our Religion, who tho' he put a Reſtraint upon Concubinage, yet he did not aboliſh it; and it was retain'd for many Ages by the Chriſtians of many Nations of *Europe*; of which among others, a Council of *Toledo* makes us certain, where it was likewiſe enacted, that a Man, whether he be of the Laity or of the Clergy, ſhall content himſelf with one, either a Wife or a Concubine, but not to keep them both at the ſame time [9]. But tho' the *Latin* Church afterwards forbad Prieſts to marry, and conſequently to keep Concubines, yet ſeeing the Eccleſiaſticks, becauſe of their Incontinency could not live ſingle, they ſtill kept Concubines. In order to aboliſh this Cuſtom, their keeping of them was ſeverely prohibited in ſeveral Councils; theſe Prohibitions had little Effect, and came to no account, ſo little were they obſerv'd; and the Prieſts could by no means wean themſelves from this Practice, therefore the Prohibitions were repeated: There was not a Council that met, which did not with ſevere Threats always urge the ſame, hating Concubinage, and declaring openly that it was worſe than Adultery, Inceſt, and more heinous than any other Vice: Whence in the following Age, the Name of Concubinage, which formerly had been reputed lawful, became odious and horrible, as much as it is at this Day. In the Kingdom of *Italy*, not only under the *Longobards*, but likewiſe when it came under the Dominion of the *French*, this Practice ſtill continu'd. Concubinage was alſo reputed lawful amongſt other Nations of *Europe*; and *Cujacius* teſtifies, that likewiſe in his Time, it was kept up amongſt the *Gaſcons* and other People near the *Pyrenean* Mountains [1]. In the Eaſt Concubinage was prohibited by the *Novellæ* of *Baſilius* of *Macedon* [2], and of *Leo*; but theſe had no Force in the Provinces of *Europe*, which had ſhaken off the Yoke of the Empire, and obey'd their own Princes, independantly of the Emperors of the Eaſt; which would require to be treated of apart, but thus far is ſufficient for our Purpoſe.

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[1] LL. Longob. in lib. 2. tit. 4, 5, 6, 7, 8, 9.

[2] Vide Grot. in Lexico.

[3] Luitprand. LL. Long. lib. 2. tit. 4.

[4] Luitpr. leg. 4. de proh. Nupt.

[5] LL. Long. lib. 2. tit. 13. l. 7.

[6] L. ſi qua illuſt. C. ad S. C. Orf.

[7] Cujac. in Parat. in Pand. tit. de Concub.

[8] V. Connan. l. 8. comment. Arniſ. de Jur. Connub.

[9] Gratian. in Decret. diſt. 34. cap. 4, & 5.

THERE was prudent Proviſion made concerning Guardianſhip; the Pupils were equally intruſted with the Kindred of the Father and of the Mother; but the King was the principal Tutor to noble Pupils [3]: Whence proceeded the Law amongſt us, by which the King appointed the Guardians of Barons, and the Writs of Guardianſhip were taken from him. They likewiſe gave to Women a perpetual Tutor on account of their Weakneſs, whom they call'd *Mundualdo*, who was much the ſame with that Tutor among the ancient *Romans*, under whoſe Authority the Women were, of what Age ſoever, and even tho' married; whence it is, that to this Day in ſome Places of our Kingdom there is ſome Veſtige thereof remaining.

AS to Contracts, Equity and Juſtice was the main Scope, the Contracts of thoſe come to Age, which Age of Majority was compleat at eighteen Years, were very firm, and not liable to Reſtitution. Creditors and Buyers were ſecure againſt being deceiv'd and deluded by tacit *Hypothecs*, or Mortgages, or by private Truſtees; foraſmuch as all Contracts, Sales, Pledges, and alſo Wills were executed in the Sight and Preſence of the Magiſtrates, and in the View of the People. The Method of ſucceeding to thoſe that died without making Wills was moſt plain; he that was neareſt of Kin, was the ſame as the Heir, except only that the Children and their Deſcendants were preferr'd to Parents.

LAW Suits, which amongſt the *Romans* were very expenſive and troubleſome, amongſt the *Longobards* were ſoon determin'd, and not chargeable. The Forwardneſs of the Litigious was curb'd by Pledges and Sequeſtrations. Nothing was more eaſy and expeditious for the Judges; in Controverſies about Matters of Fact the Plaintiff carried his Witneſſes with him, and the Defendant his, and he gain'd the Cauſe who had the greateſt Number and Authority on his Side. In doubtful and ambiguous Caſes, they had recourſe to the Sanctity of Oaths, which were adminiſtred to the Defendant, but with great Caution; that is to ſay, he produc'd Witneſſes of his good Fame, who gave Oath, and atteſted his Probity and Religion, and that they themſelves, without ſcruple, would give Credit to his Oath [4]. It was ſeldom that there happen'd Queſtions of Law, and if there did, they were decided, not from the infinite Volumes of Interpreters, but from the plain and ſimple Meaning of their Laws, and the juſt and reaſonable Part of them. The Remedy againſt being diſturb'd in Poſſeſſion was ready, and the Reſtitution quick, the Judge going to the Place to view the Damage, immediately gave Reparation.

IN taking Cognizance of Criminal Matters there were two Things wiſely obſerv'd. The Violation of the Rights of Society, and of thoſe of private Perſons: For the laſt, there were two Penalties appointed; by the one the private Damage was repair'd, which they call'd *Wedrigeldium*, that is to ſay, what was given by Retaliation; by the other the Publick Peace was repair'd, which they on that account call'd *Fedra*, and it was given to the King, or the Cummunity of any City. *Hugo Grotius* [5] commends this Cuſtom of their not ſhedding the Blood of the People on ſlight Occaſions, but only for heinous and capital Crimes and Offences. The leſſer Crimes were compounded for Money, or the guilty Perſon was to be under Servitude to the Offended.

THE Eſtates of condemn'd Perſons were ſafe to their Children, and were not liable to Confiſcation. In criminal Caſes they admitted of no Appeals, which did not ſurprize *Grotius*, becauſe it ought to be ſo in other Caſes, ſeeing that Equals were conſcientiouſly and gently judg'd in the Courts by their Peers. Whence came that Law among us, that in Capital Caſes Barons could not be judg'd but by thoſe whom we call *Pares Curiæ*.

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[1] Cujac. loc. cit. Audio tamen eum retinere diſtricte Vaſcones & Pyreneos.

[2] Novel. Baſil. Maced. apud Leuncl. Jur. Gr. Rom. lib. 2. num. 2. tom. 1.

[3] Grot. in Prolegem. ad hiſt. Got.

[4] V. Struvium hiſt. Jur. Crimin.

[5] Hug. Grot. in Prolegom. ad hiſt. Got.

THE Rites and Solemnities which they made uſe of in Manumiſſions and Adoptions were conformable to their Manners, bold and warlike. Manumiſſions, as *Paul Warnefride* relates, were made *per Sagittam*, Adoptions *per Arma*, as Alienations were *per glebæ Feſtucæve conjectionem in ſinum emptoris*.

THAT ancient Cuſtom of the *Longobards* diſpleas'd many, that in ſome doubtful and ambiguous Caſes, and for heinous Offences, they committed the Deciſion of them to a ſingle Combat, which they call'd a *Duel*. The Duel was truly a very ancient Cuſtom amongſt the *Longobards*, which afterwards paſſing into a Law, was for a long Time practis'd, not only by them, but by many other Nations who learn'd it from the *Longobards*. In effect, their Hiſtory is full of theſe Duels; that of *Adalulphus* was remarkable, who had accus'd Queen *Gundeberta* of Adultery [1], and failing in the Proof, he, in order to be reveng'd of her, had recourſe to *Arioaldus* her firſt Husband, to whom he accus'd her falſly, that ſhe with *Datus* Duke of *Tuſcany* had conſpir'd againſt his Life and Kingdom, which caus'd that unfortunate Princeſs to be impriſon'd. At which *Clotharius* King of *France*, whoſe Kinſwoman ſhe was, being offended, he ſent Ambaſſadors to *Arioaldus*, preſſing him in the ſtrongeſt Terms to ſet her at Liberty; to which the King anſwer'd, that he had moſt juſt Cauſe to keep her in Priſon; and the Ambaſſadors denying what he had laid to the Queen's Charge, and urging that the Authors of ſuch Falſhoods were Lyars; at laſt *Anſoaldus*, one of them, deſir'd the King to let the Doubt be decided by Duel. *Caribertus* appear'd for the Queen, and the Impoſtor *Adalulphus* for the King, the laſt was vanquiſh'd, the Queen was ſet at Liberty, and reſtor'd to her former Honour. This Manner of clearing one from an Imputation, was ſo much commended amongſt all Nations, that *Cujacius* [2] ſays, even amongſt Chriſtians, as well in Civil as Criminal Caſes, the Duel was long practis'd, and our *French Normans* whilſt they held this Kingdom, frequently made uſe of it; altho' by the *Longobard* Kings themſelves it was reputed a cruel and unreaſonable Experiment; yet theſe People being long accuſtom'd to ſuch a Practice, and thinking it leſs miſchievous to allay the Wrath and Paſſions of thoſe bold Spirits, by committing the Affair to the Hazard of a few, than to ſee whole Families go together by the Ears, look'd not on this Practice as a Grievance, but rather as neceſſary to be kept up. *Luitprandus* was a moſt prudent Prince, and knew better Things, but after the Example of *Solon* (who being ask'd if he had given to the *Athenians* the beſt Laws he could deviſe; anſwer'd, the beſt that could be ſuited to their Cuſtoms) he in one of his Laws plainly declares his Thoughts, ſaying, tho' he was uncertain of God's Approbation, and knew that many ſuffer'd unjuſtly by Duels, *Sed propter conſuetudinem gentis noſtræ Longobardorum legem impiam vetare non poſſumus* [3]. The Chriſtian Religion put a Stop to this Cuſtom afterwards, but has not been able to root it out altogether; ſo that the ſame is ſtill practis'd to this Day: The Deſign of our Religion is to extirpate ſuch bad Cuſtoms, but we reſiſt, and hinder its taking Effect. Afterwards *Frederick* II. and the Kings his Succeſſors, forbad it with us under ſevere Penalties, and other Princes did the like.

THAT other Trial by red hot Irons, boyling or frozen Water [4] likewiſe diſpleas'd; but that ought not to be imputed to the *Longobards* only, but to all other Nations of *Europe*, and more to Chriſtians than others, who retain'd it for a long Time, and more obſtinately ſtuck to it; foraſmuch as they believ'd they had the Cuſtom from *Moſes* himſelf, who commanded a certain Potion to be given to Women accus'd of Adultery, in order to know whether they were Guilty or Innocent. It was not then to be wonder'd at, if the *Longobards* by carrying the Thing further, eſtabliſh'd Laws concerning it, by which in determining Controverſies it was appointed to make uſe of red hot Plough-Shares, or cold or boiling Water. This Error was kept up by the Credulity and Stupidity of the People, who had ſuch Confidence in this Tryal, that they eaſily gave credit to all the fabulous Accounts they met with in Hiſtory, and took them for certain Truths. Strange and wonderful Things were told, which were not really true, but the Effects of Imagination, heated to that Degree, as made them fancy they ſaw People thrown into the Fire without being burnt, and plung'd into a River without being drown'd. Famous is that Fact amongſt Hiſtorians of the innocent Counteſs, which happen'd during the Empire of *Otho*, who being falſly accus'd by the Empreſs, purg'd herſelf by red hot Iron, which did not hurt her. But that other is much more famous and remarkable, which fell out in *Florence* in the Time of *Alexander* II. of *Aldobrandinus*, who in the Sight of all the People came ſafe and ſound out of the Flames, whence he got the Name of *Pietro Igneo.* It was not without reaſon then, that the Emperor *Frederick* amongſt his military Laws, likewiſe order'd the Practice of this Proof in dubious Caſes, as *Radevicus* and *Cujacius* teſtify [1]. But afterwards when the Uncertainty of it was more maturely conſider'd, and that many innocent Perſons ſuffer'd greater Puniſhment than could have been inflicted upon them if they had been legally convicted as Guilty; and that on the other hand the Guilty eſcap'd free, and that it was a bold tempting of Providence: at laſt it was prohibited by the Popes. And *Cujacius* [2] relates, that this Cuſtom was left off and diſus'd in *Lombardy* before it was ſo in any other Country. And with us it was likewiſe forgot; and tho' the People of *Bari* retain'd the *Longobard* Laws, from which the Book of their Cuſtoms was compil'd, yet they confeſs, that from the Time of King *Roger* ſuch a Cuſtom had been quite left off: *Ferri igniti, aquæ ferventis, vel frigidæ, aut quod libet judicium, quod vulgo paribole nuncupatur, a noſtris civibus penitus exulavit* [3].

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[1] Sigon. ad A. 632.

[2] Cujac. lib. 1. de Feud. tit. 1. §. Si autem controverſia: & hoc genere purgationis diu uſi ſunt Chriſtiani, tam in civilibus, quam in criminalibus Cauſis, re omni duello commiſſa.

[3] Lib. 1. l. 23. tit. 9. de Homicid. liber. hom.

[4] Vide Struvium hiſt. Jur. Crimin.

THE Cuſtom of making Chriſtians Priſoners, and taking a Ranſom for their Liberty, appear'd to ſome to be both ſavage and cruel, as was practis'd by the *Greeks* on the Citizens of *Croton* and other Cities; of which S. *Gregory* loudly complain'd. But this Cuſtom, as we have related in the foregoing Book, was at that Time indifferently practis'd every where; neither are there wanting Writers who maintain it as juſt.

FOR theſe Reaſons we read in the moſt grave Authors, that the *Longobards* were commended above all other foreign Nations, for a wiſe and prudent People, and who knew better than any other how to make Laws with ſo much Judgment and Foreſight. Not to mention *Grotius* [4] who prais'd them ſo much on that account, nor *Paul Warnefride*. *Gunterus*, who was Secretary to the Emperor *Frederick* I. and a famous Poet in thoſe Times, ſings thus of the *Longobards* in his *Ligurino*.

Gens aſtuta, fugax, prudens, induſtria, ſolers,
Provida conſilio, legum, juriſque perita.

NEITHER is the Stile in which theſe Laws are written, ſo inſipid or unpoliſh'd, as our Writers have repreſented it: They were judg'd by the incomparable *Grotius*, a Subject well worthy of his Labour and bright Talents; he was preparing a Commentary on them, as alſo on all the Laws of the other Northern Nations; but being ſnatch'd from us by untimely Death, could not bring it to Perfection: yet he left us an Index [5] of all the Nouns, Verbs, and other Vocables of the *Longobards*, by which we may ſee the many Miſtakes our Writers have fallen into, who have pretended to interpret them. And *Jacobus Cujacius* [6] in his Book of Fiefs, which in a great meaſure depend on theſe Laws, frequently ſhews us many Words of them which are reputed barbarous and unpoliſh'd by moſt Interpreters, who give them another Meaning, to be either *Greek* or *Latin*, or depending by true Analogy on theſe Languages; ſuch as the Word *arga*, which we meet with frequently in theſe Laws, and which is reckon'd barbarous by them, and to ſignify *cornutus*, as *Maxilla* among others, *in conſuetud. De Bari* [7] explains it, but *P. Warnefride* make it to ſignify

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[1] Cujac. lib. 1. de Feud. loc. cit. Tertium genus purgationis eſt periculum aquæ ferventis, vel frigidæ, vel laminæ condentis, quo etiam diu uſi ſunt Chriſtiani, ducto more, argumento neſcio an bono, a potione illa quam ſtupri inſimulatis mulieribus dari juſſit Moſes, quod uſque eo proceſſit, ut & leges Scriptæ juberent adhiberi ignitos vomeres, vel aquam frigidam; aut calidam litium dirimendarum cauſa, ut Longobardæ ſæpe, & milites Frederici Imperatoris apud Radevicum.

[2] Cujac. loc. cit. Quod tamen primum omnium exolevit in Longobardia.

[3] Conſuet. Bar. Rubr. de Immunit. §. Monomachia.

[4] Hug. Grot. in Prolegom. ad hiſt. Got.

[5] We have this Index in Grotius his Hiſtory of the Goths.

[6] Cujac. de Feud. lib. 1. tit. 2.

[7] Maxilla in Conſuet. Bar. rub. de Arga. Iſtud nomen Arga, eſt Longobardorum, & idem importat, quod vocare aliquem cornutum. Vide Carol. du Freſne in Lexic. Latino barbar.

iners, *ineptus*, *ſtupidus*, and *inutilis*, and derives the Word from the *Greek* ἀργὸς, which ſignifies the ſame according to *Cujacius* [1], and he confirms it from the Authority of *Didimus*. And *aſtalium facere* which we often meet with in theſe Books, ſignifies nothing elſe but to deceive, and to fail in Duty, by not aſſiſting the Prince or fellow Soldier in Time of Battel, when Aſſiſtance is moſt wanted, and they in danger of their Lives. So likewiſe to do a Thing *aſto animo*, which we often read in theſe Laws, is the ſame as to do it *animo vaſro*. *Plautus* in *Pœnulo*.

Mea ſoror ita ſtupida eſt ſine animo aſto.

And *Accius* in *Nonius*:

Niſi ut aſta ingenium lingua laudem.

Likewiſe this other Word *Strigæ*, which we meet with in theſe Laws in *Feſtus*, is the ſame with *Maleficæ*; we find it alſo in *Plautus* in *Pſeudolo*,

Strigibus vivis convivis inteſtinaque exedunt.

which the *Longobards* by the proper Word of their Nation likewiſe call'd *Maſca*, and which we now call *Maga*, or *Strega*.

THE Uſe of the *Talenone*, as explain'd by *Feſtus*, *Vegetius*, and *Iſidorus* is likewiſe clearly expounded by theſe Laws [2]. The *Talenone*, as the Law declares, was nothing elſe but a Beam pois'd upon a Fork of Wood, by which they drew Water in Buckets from the Wells.

THE calling unmarried Women, *Virgins in Hair*, comes from the Cuſtom of the *Romans*, who diſtinguiſh'd the Virgins from thoſe who were married, becauſe theſe cover'd the Head, and the Virgins went uncover'd, and let their Hair be ſeen.

GALEN believ'd that neither Horſes, nor any fourfooted Animal except Dogs, could ever become mad. On the contrary, *Abſyrtus* and *Hierocles Mulomedici* [4], and likewiſe *Porphirius*, in Oppoſition to his Opinion, wrote, that theſe likewiſe might be mad. The *Longobards* in their Laws were of their Opinion, and rejected that of *Galen* as falſe. Many ſuch other Veſtiges of their Erudition appear in theſe and many other Words of that kind, which to ſome ſeem barbarous, altho' they be deriv'd from the *Greek* and *Latin* Languages, and are ſcatter'd up and down in theſe Books, of which there's no need for making a longer Catalogue; every Body may ſee and obſerve them in the Index which *Grotius* made of them, which we lately mention'd.

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[1] P. Warnefr. lib. 6. cap. 8.

[2] Cujac. loc. cit.

[3] LL Longob. lib. 2. tit. de Homicid. liber. hom. l. 24.

[4] For the Mulomedici vide G. Gotofred. in Cod. Th. ſub tit. de Curſu Publico.

[5] LL. Longobard. de Pauperie, lib. 2.

SECT. I.

The Laws of the Longobards *retain'd long in the Dukedom of* Beneventum, *and afterwards ſpread over all the Provinces of which our Kingdom is now compos'd.*

THE Excellency of theſe Laws above all others of foreign Nations, and their Juſtice and Wiſdom, may eaſily be perceiv'd when we find, that tho' the *Longobards* were driven out of the Kingdom of *Italy*, and ſucceeded in it by the *French*, yet *Charles* King of *France* and *Italy* preſerv'd them intire; ſo that he not only confirm'd them, but likewiſe to the Body of theſe added ſome of his own, which alſo as *Longobard* Laws he order'd to be obſerv'd in *Lombardy*, and the other Parts of *Italy* ſubject to him.

HE added many others to the Edicts of the *Longobard* Kings his Predeceſſors, which he eſtabliſh'd not as Emperor or King of *France*, but as King of *Italy*, or of the *Longobards*. And as the *Longobard* Law was of no Force in *France*, ſo likewiſe the Salick or *French* Law was not introduc'd into *Italy*, by *Charles* or his Succeſſors: Whence we ſee the Error of *Sigonius* [1], who makes three Laws to flouriſh in the *French* Empire in *Italy*; the *Roman*, the *Longobard*, and the Salick. Unleſs perhaps he means, that among the *French* only, who came into *Italy* with *Charles*, this laſt had Force and Authority. *Pepin* his Son and Succeſſor in the Kingdom of *Italy*, and the other Kings and Emperors who ſucceeded them, ſuch as *Lewis*, *Lothaire*, *Otho*, *Conrade*, *Henry*, and *Guido*, not only preſerv'd them intire and in force, but added other Laws of their own to them; for which Cauſe it was that the ancient Compiler of theſe Laws collected in three Books, not only the Laws of theſe five *Longobard* Kings, but likewiſe thoſe of *Charles the Great*, and his Succeſſors, down to *Conrade*, which they as Lords of *Italy* eſtabliſh'd; all which were call'd *Longobard* Laws.

BUT with us they were preſerv'd and long obſerv'd for other more important Reaſons. In the Dukedom of *Beneventum*, which comprehended the greateſt Part of theſe our Provinces, which now make up the Kingdom, under the *Longobard* Kings their Authors, they were obey'd with the utmoſt awful Reſpect. The Kings had the Sovereignty of it, and the Dukes who govern'd it were ſubordinate to them; and *Deſiderius* the laſt King, as we have ſaid, had created *Arcchis* his Son-in-Law Duke of it. But tho' the *Longobard* Kings fail'd in *Italy*, yet the Dukes did not fail in the Dukedom of *Beneventum*; but *Arechis*, as we ſhall relate in the following Book, having thrown off all Subjection to the *French*, govern'd it with abſolute and independent Authority. He took upon him to adorn himſelf with the Scepter, Crown, and Purple Garment, and made himſelf to be anointed, and rais'd to be a Sovereign Prince, wherefore he maintain'd it independent of any other Sovereign; by which means the *Longobard* Laws got the better footing and force in this Dukedom, in which they were conſtantly preſerv'd by the ſucceeding *Beneventan* Princes. And the Principality being afterwards divided into three Parts, to wit the *Beneventan*, *Salernitan*, and *Capuan*, which comprehended almoſt all the Kingdom, the *Longobard* Laws were the more diffus'd. The *Neapolitan* Dukedom, and the other Cities of *Calabria* and *Brutium*, *Gaeta*, and ſome other maritime Cities, which continu'd for ſome Time under the Dominion of the *Greeks*, were later in receiving theſe Laws. Theſe Places, as being ſubject to the Emperor of the Eaſt, were govern'd by their own Laws; and what theſe were ſhall be examin'd in the Seventh Book, where we ſhall treat of their *Novellæ*, and their ſo many other Collections. But when the *Greeks* were driven out by the *Normans*, and all theſe Provinces reduc'd under the Dominion of one ſingle Perſon; the *Normans* having ſucceeded the *Longobards*, retain'd their Laws, and ſpread them over all, even in the Cities which they took from the *Greeks*, as we ſhall ſee in the following Books; whence it came to paſs, that by theſe Laws, having been preſerv'd in *Italy* under other Princes, who were not *Longobards*, they continu'd the longer, and took deeper Root in theſe our Provinces. Whence likewiſe it came to paſs, that tho' the *Roman* Laws were preſerv'd intire, and that every one could live under what Law he pleas'd, either *Roman* or *Longobard* [2]; nevertheleſs, for many Ages, ſo great was the good Luck of the *Longobard* Laws, that it behov'd the *Roman* Laws to ſuccumb to them; for in *Italy*, and theſe our Provinces, the Introduction of a great Number of feodal Tenures, and conſequently of many Barons, who obſerv'd no other Laws but thoſe of the *Longobards*, occaſion'd all the Nobility, by their Example, to obſerve the ſame Laws; ſo that except the Eccleſiaſticks, who in Obedience to the Edict of *Lewis the Pious* [3], liv'd (of what Nation ſoever they were) according to the *Roman* Laws only, all others, both by Tradition and ancient Cuſtom, obſerv'd the *Longobard* Laws; and when by the Ignorance of the Age, all the Codes wherein they were regiſtred were neglected, yet they continu'd amongſt the common People, who are the laſt in laying aſide the ancient Uſages of their Foreſathers, either in what concerns the Laws or the Cuſtoms, as we ſhall ſee more diſtinctly in the following Books.

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[1] Sigon. de R. Ital. lib. 8.

[2] In LL. Longob. lib. 2. tit. 58.

[3] Ed. Lud. Pii in LL. Longob. lib. 3. l. 37. In LL. Ripuar. cap. Eccl. jure Romano vivit.

AND whence it likewiſe came to paſs, that in our Kingdom with regard to the new Conſtitutions which were afterwards introduc'd by the *Norman*, *Suevian*, and *French* Princes, the *Longobard* Law was call'd *Jus Commune*, like that of the *Romans* [1]; but with this Difference, that the *Jus Commune* of the *Longobards* was the Predominant, and in greateſt Force; that of the *Romans* of leſs Authority, and to which they had recourſe when the *Longobard* fail'd, which happen'd but ſeldom. For this Cauſe it came likewiſe to paſs, that the *Longobard* Law was quoted in the Tribunals, commended by all, and reckon'd the Source of all other Laws, which the new Princes were about eſtabliſhing: So we ſee that the Popes made often uſe of them in their Decrees, and approv'd of them [2]. The Feudal Law which now in all Nations of *Europe* is one of the moſt noble Parts of the *Jus Commune*, was founded upon, and ſupported by the *Longobard* Laws, as not only *Andrea d'Iſernia*, and Biſhop *Liparulus* among others have written, but the incomparable *Hugo Grotius* likewiſe obſerves.

THE very Conſtitutions of *Frederick* II. of our Kingdom, are almoſt all taken from the *Longobard* Laws, as beſides our own Writers, *Grotius* likewiſe tells us [3]. The Cuſtoms of *Bari* are deriv'd from the *Longobard* Laws, as we ſhall ſhew when we ſhall have occaſion to treat of them.

BUT 'tis worth our Obſervation, and what will more plainly ſhew us the Authority and Credit which they retain'd in theſe our Provinces for a long Time, to find that after the *Roman* Juriſprudence was again reſtor'd in the Academies of *Italy*, in the Time of *Lothaire* II.; and the Pandects had been found in *Amalphis*, and got footing likewiſe in our Academy, in the Reign of *Frederick* II. the Uſe and Authority of theſe Laws did not fail for all that. On the contrary, our Writers then more than ever took greater Pains and Care in commenting on them; juſt as *Gregory* and *Hermogenian* did, who, when they ſaw that *Conſtantine the Great* intended to aboliſh the ancient Heathen *Roman* Laws by new ones of his own, compil'd their Codes, by which they prevented the Loſs of the ancient *Roman* Juriſprudence: So we ſee that *Carlo di Tocco* did not comment on them till the Reign of *William* King of *Sicily*; and that other Comment which we have on them of *Andrea da Barletta*, Attorney General to *Frederick* II. makes it evident, that to the Reign of this Prince, the *Longobard* Laws in our Kingdom were ſuperior to the *Roman*; and in later Times ſtill more, which may be gather'd from the Comment of *Biaſe da Marcone*, who flouriſh'd under King *Robert*.

IF our Writers had follow'd the Light of Hiſtory, and diſtinguiſh'd the Times as they ought to have done, they had not ſtuffed their Commentaries with ſo much Trumpery, as to ſay (not knowing the Authors of thoſe Laws) they were made by certain Kings, who were call'd *Longobards*, that is to ſay *Apulians*, who having come from *Sardinia*, at firſt ſettled in *Romagna*, and from thence went to *Puglia*, as *Odofredus*, *Baldus*, *Alexander*, and *Franciſcus de Curte* have written, and, which is more ſurprizing, were follow'd by *Nicolas Boerius*, who choſe rather to believe theſe Dreams, than to give ear to true Hiſtory.

NEITHER would *Luca di Penna*, afterwards follow'd, as often falls out, inconſiderately by *Carovita*, *Maranta*, *Fabio d'Anna*, and others of our Writers, have had occaſion to declaim againſt the Law of the *Longobards*, and to call it ſtupid, barbarous, and unpoliſh'd, and Riff-raff rather than Law. He did ſo, becauſe he knew not how to diſtinguiſh the Times in which he wrote, from thoſe of paſt Ages, in which theſe Laws were reputed the moſt poliſh'd and prudent of all that ever had flouriſh'd in *Italy*: He wrote in the later Times in the Reign of Queen *Joan* I. by whom in the Year 1366. he was made Judge of the High-Court, when the Authority and Splendor of the *Roman* Laws ſtill increaſing, it began then to be a Queſtion among the Advocates which of the two Laws ought to have the Preference; whereupon he finding that ſome againſt his Opinion, ſtickled hard in favour of the *Longobard*, he baul'd out againſt them, and loaded theſe Laws with a multitude of reproachful Names. And it was not till the Reign of the *Aragon* Family, that theſe Laws came in diſuſe and fail'd intirely in our Kingdom, when the *Roman* were reſtor'd, of which *Matthæus de Afflictis* is a good Evidence; who, tho' he ſays, that in his Time he never obſerv'd the *Longobard* Law to get the better of the *Roman* in our Tribunals, yet declares to have heard from the old Advocates, that in ancient Times the contrary was obſerv'd. But in the Progreſs of this Hiſtory we ſhall have more fit Opportunities to treat at large of the alternate Fortune of theſe Laws.

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[1] Conſt. Guliel. Puritatem.

[2] Gregor. c. devotiſ. 12. q. 2.

[3] Grot. in Prolegom. ad hiſt. Got: jam vero, quæ in Regno Neapolitano, Siculoque valent Conſtitutiones a Frederico II. collectæ, pene omnes fluunt e legibus Longobardorum.

CHAP. VI.

Of the Eccleſiaſtical Polity.

IN this eighth Century the Churches of the Weſt were in great Confuſion, and that of *Rome*, which ought to be a bright Example to the reſt, was in the greateſt Diſorder. *Paul* having died in the Year 767, *Conſtantine* Brother to *Toto* Count of *Nepi*, uſurp'd the Chair; who by Violence and Management had got himſelf firſt to be elected Pope, and afterwards to be ordain'd Subdeacon, Deacon and Biſhop: Some Officers of the Church of *Rome*, not able to ſuffer this Violence, had recourſe to *Deſiderius* King of the *Longobards*, and having got Aſſiſtance, return'd to *Rome* with a Band of arm'd Men. *Toto* attack'd them, but being kill'd in the Scuffle, *Conſtantine* was turn'd out, and *Philip* a Prieſt and Monk was elected in his Place; but he not being found ſufficient for the Poſt, was oblig'd to retire into a Monaſtery, and *Stephen* IV. with common Conſent, was elected in the Month of *Auguſt* of the Year 768. After whoſe Election, *Conſtantine* was ignominiouſly depos'd, and treated after a cruel manner, was impriſon'd, and had his Eyes put out. *Stephen* not finding himſelf ſecure, ſent a Deputy into *France*, in order to regulate what concern'd the Affairs of the Church of *Rome*. *Charles* and *Carloman*, to whom the Deputy, their Father *Pepin* being dead, conſign'd the Letters, ſent twelve Biſhops to *Rome*, who convening a Council with one *Italian* Biſhop, confirm'd *Stephen*, and declar'd *Conſtantine*'s Election void. *Stephen* got Poſſeſſion of the See; but grievous Diſputes ariſing afterwards between him and *Deſiderius*, on account of the Election of the Archbiſhop of *Ravenna*, and other Matters above related, *Deſiderius* laid Siege to *Rome*, and exercis'd ſo much Severity, that the Pope being terrified, died the firſt Day of *February* in the Year 772, leaving *Adrian* his Succeſſor.

NEITHER did there happen leſs Diſorders in the Elections to other leſſer Sees. The Favour of Princes, Violence, Sollicitations, and Simony had the greateſt Share in them. Diſcipline was almoſt intirely laid aſide; great Ignorance and Licentiouſneſs prevail'd amongſt the Biſhops and the Clergy. There was no Lewdneſs which they were not guilty of; they kept Women in their Houſes, went to the War, inroll'd themſelves among the Soldiers, ſerving for Pay; and throwing off the Yoke, refus'd any more to obey their Biſhops. The Popes becoming powerful Lords in Temporals, by the Donation made to the Church of *Rome* by *Pepin* and *Charles* his Succeſſor, began to extend their Authority over Princes. *Zacharias* by having had a great hand in the Tranſlation of the Kingdom of *France* to the *Carlovingian* Line, and *Adrian* of that of the Kingdom of *Italy* to the *French*, had made themſelves dreadful. They ſet their Minds more on Temporal Matters than on Divine and Sacred; and the other Biſhops following their Example, the ancient Diſcipline was corrupted, and altogether neglected.

ON the other hand, the Temporal Princes ſeeing ſo much Depravation of Manners, labour'd with all their Might to reform the Clergy and the Church; and beſides that, having ſo fair an Opportunity, concern'd themſelves more in the Election of Biſhops, and other Miniſters of the Church, and in diſpoſing of their Revenues, than formerly. *Leo Iſauricus*, and the other Emperors of the Eaſt his Succeſſors, would have themſelves eſteem'd as Moderators, not only of the Eccleſiaſtical Polity and Diſcipline, but likewiſe of the Doctrine: They publiſh'd Edicts concerning the Adoration of Images; and except only the Miniſtry of Sacrificing, they would be reckon'd Monarchs and Preſidents of the Church: They preſided in the Synods, and gave them Sanction; made Laws, and regulated the Eccleſiaſtical Orders; made themſelves Judges of Controverſies, and of the Biſhops and Clergy, how they were to proceed in Elections to vacant Sees, and how they were to give their Votes; tranſlated Biſhops from one See to another; advanc'd and degraded the Sees as they thought fit, from a Biſhoprick to a Metropolitan and Archbiſhoprick, diſpos'd of Dignities and Sees of the Hierarchy; divided the Dioceſſes after their own way, and erected Churches into new Biſhopricks or Metropolitans. Whence began the aſſigning of many Churches to the Patriarchate of *Conſtantinople* by taking them from that of *Rome*, which was compleated in the following Century; among the reſt, as ſhall be told in its Place, they took *Sicily*, *Calabria*, *Puglia*, and *Campania*, which that Patriarchate retain'd, till by the Means of our *Normans*, and particularly *Roger* I. King of *Sicily*, they were reſtor'd to that of *Rome*; and greater Extravagancies were ſeen in the following Times when their Empire began to decline, when they endeavour'd intirely to ſubject the Prieſthood to the Empire, concerning which we may ſee *Joannes Philoſacus* [1], and *Tomaſinus* [2], who diſcourſe at large of it.

ALTHO' the Princes of the Weſt were not ſo daring, nevertheleſs under the ſpecious Pretence of reforming the Irregularities of the Clergy, and the loſt Diſcipline, they concern'd themſelves much more than became them in the Protection and Guardianſhip of their Churches; and in the Beginning of this Century they no leſs deform'd the State of them than the Eccleſiaſticks had done. *Charles Martel*, after having taken upon him the Government of the Kingdom of *France*, inſtead of remedying the Diſorders that prevail'd, ſeiz'd on the Goods of the Churches; he gave the Abbacies and Biſhopricks to Laicks; gave the Tythes to the Soldiers; and ſuffer'd the Eccleſiaſticks and Monks to go on in their Lewdneſs.

IN *Italy* and theſe our Provinces which were ſubject to the Dukes of *Beneventum*, the *Longobard* Kings and Dukes, on account of the continual Hatred they bore the Popes, as firſt Favourers of the *Greeks*, and afterwards of the *French*, occaſion'd no leſs Diſorders. King *Deſiderius* by reaſon of the Diſputes he had with *Stephen* IV. about the Election of *Michael* to the Archbiſhoprick of *Ravenna*, whom the Pope turn'd out; in order to be reveng'd upon him, caus'd the Eyes of *Chriſtophanus* and *Sergius* his Creatures, to be put out, and afterwards put *Chriſtophanus* to Death, and ſo frighted the Pope, that it haſten'd his Death.

THE *Longobards* as well as the *Goths* and the Emperors of the Eaſt their Predeceſſors, were very careful in retaining all the Prerogatives which the Right to Empire gave them. It was in their Power to declare the Churches Sanctuaries, and to preſcribe Laws for what Crimes the Subjects could claim Sanctuary, and for what thoſe that fled to them could be protected in them. King *Luitprandus*, imitating the Emperors of the Weſt, of whom there are many Conſtitutions remaining in the *Theodoſian* and *Juſtinian* Codes concerning that Matter; ordain'd likewiſe, that Homicides, and others guilty of Capital Crimes, ſhould not have the Benefit of Sanctuary [3]. He injoin'd the Biſhops, Abbots, and other Governors of Churches or Monaſteries not to receive them, nor to hinder the Secular Magiſtrate from taking them out, nor to be aſſiſtant in making their Eſcape, nor conceal them; and that if they hinder'd their being taken out, they were to pay a pecuniary Mulct of 600 *Soldi* [4]. Our *Longobard* Kings likewiſe retain'd the Power of making Laws concerning Matrimony [5], of putting a Stop to it, where either Decency, Kindred or

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[1] Filoſac. de Sacr. Epiſc. aut. c. 7. §. 7.

[2] Tomaſin. vet. & nov. Eccl. diſc. p. 1. l. 1. c. 52. n. 6.

[3] L. 2. De his, qui ad Eccl confugiunt. tit. 39. lib. 2. in LL. Longob.

[4] L. 4. cit. tit. 39. lib. 2.

[5] Launogius Regia in Matrim. poteſt. par. 3. art. 2. cap. 7.

Affinity were Obſtacles, and of preſcribing the Age fit for contracting it; and of declaring the Illegality of Marriages and Contracts, and the Baſtardy of Children, and of eſtabliſhing whatſoever regarded the greater Decorum and Decency of theſe Matters, as is clear from their Laws [1].

THE Emperors of the Eaſt, who at this Time govern'd the Dukedom of *Naples*, a great Part of *Calabria*, *Puglia*, and many maritime Cities of theſe our Provinces, which were likewiſe Enemies to the Popes, exercis'd an abſolute Authority over the Churches of thoſe Cities which were ſubject to them. *Conſtantine* and *Leo* his Son, would have their Edicts for aboliſhing Images obey'd in them; they would not allow *Paul* elected Biſhop of *Naples* to be admitted, becauſe he was a Favourite of the Popes, which was the reaſon that the *Neapolitans* did not receive him within their City: Neither was there ever greater Deformity ſeen in the Church of *Naples* than at this Time. We find *Stephen* at the ſame time that he was Duke of it, and govern'd the Dukedom under the Emperor, when his Wife died, was made Biſhop, and not laying down this other Charge, adminiſtred both divine and human Things at the ſame Time. *Theophilactus* his Son-in-Law ſucceeded him in the Dukedom; when a new Paſtor was to be choſen, *Eſpraſſia* the Daughter of *Stephen*, and Wife of *Theophilactus*, being offended with the Clergy, who had ſhewn much Gladneſs and Contentment upon the Death of her Father, ſwore that none of them ſhould be elected Biſhop; and the Duke her Husband, whether it was in order not to vex her, or for Covetouſneſs ſake, delay'd the Election; ſo that the *Neapolitans*, both Clergy and People, being wearied with the long Vacancy of their Church, went in a Body, and call'd out aloud before the Ducal Palace, that they might give them for Biſhop whomſoever they pleas'd. Then *Eſpraſſia*, full of Indignation and Rage, pitch'd upon a Laick from among the People, call'd *Paul*, whom ſhe gave them for Biſhop, neither durſt any of them be ſo bold as to contradict it; they took *Paul*, and having ſhav'd him, elected him Biſhop, who went to *Rome*, and the Pope, through the Corruption of the Age, made no Difficulty to conſecrate and confirm him [2].

THERE being ſuch Depravation of Manners, and Things having gone to ſuch Exceſs, not only the Prelates of the Church, but likewiſe the Secular Princes rouz'd themſelves at laſt in order to apply a Remedy. After the Death of *Charles Martel* in *France*, *Carloman* and *Pepin* his Sons having divided the Kingdom, tho' they had not the Dignity of Kings, contriv'd to order Matters ſo, that in ſome meaſure Diſcipline might be reſtor'd. *Carloman* Prince of *Auſtraſia*, in the Year 742. caus'd a Council to be call'd in *Germany*, where, with the Conſent of the Biſhops, he publiſh'd many Regulations for reforming the Diſcipline and Manners; he forbid the Eccleſiaſticks to go to War; order'd the Curates to be ſubmiſſive to their Biſhops; caus'd ſome Eccleſiaſticks convicted of the Crime of Uncleanneſs to be degraded, and to undergo Penance: And in the other Aſſembly which he caus'd to be held in *Leſtines* near to *Cambray*, beſides confirming all theſe, he likewiſe prohibited Adultery, Inceſt, unlawful Marriages, and Pagan Superſtition.

PEPIN Prince of *Neuſtraſia*, likewiſe for his Part labour'd all he could in order to reform the Eccleſiaſtical Diſcipline; he call'd a Meeting of 23 Biſhops, and many Great Men in *Soiſſons*, in the Year 744, in which all the Canons of the preceding Councils were confirm'd; and he ordain'd that they ſhould be inviolably obſerv'd; that Synods ſhould meet every Year; that Prieſts ought to be ſubject to their Biſhops; that the Clergy ſhould have no Women in their Houſes, except their Mothers, Siſters, or Nieces; nor Laicks Virgins dedicated to God. In the following Years 752, 755, 756, and 757, ſuch other Aſſemblies were held, in which were eſtabliſh'd other Regulations concerning Diſcipline. And *Carloman* eſpecially caus'd ſuch Aſſemblies to meet, in which alſo were eſtabliſh'd many Points for the maintaining of Diſcipline, by reviving the ancient Canons, and making of new Rules concerning the preſſing Affairs of the Church. Theſe Aſſemblies were not properly Councils, they were not only compos'd of Biſhops, but likewiſe of the Lords and Great Men of the Kingdom call'd by the Princes. The Biſhops drew up the Articles for the Eccleſiaſtical Polity, and the Lords thoſe that concern'd the State; and afterwards they were authoriz'd and publiſh'd by the Princes, that they might have the Force of Laws. Theſe Articles were call'd Acts or Decrees. And this was the manner in which the Diſcipline of the Church of *France*, and likewiſe that of *Germany* was regulated under the ſecond Race of thoſe Kings in this Century.

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[1] LL. Longob. lib. 2. tit. de prohibit. Nupt. lib. tit. 1. de Sponſalib.

[2] Jo. Diac. de Epiſ. Neap. Chioc. de Epiſ. Neap. A. 795.

IN *Italy* alſo there were many Canons eſtabliſh'd by ſome Popes for reſtoring the decay'd Diſcipline. Pope *Zachary* held two Councils for that end in *Rome*, the one in the Year 743, compos'd of about 40 *Italian* Biſhops, wherein was renew'd the Prohibition ſo often made againſt Biſhops, Prieſts and Deacons cohabiting with Women, and other Proviſions were made; the other was in the Year 745, compos'd of ſeven Biſhops, and ſome Prieſts, wherein were diſcuſs'd ſome Accuſations againſt the Biſhops, and ſome Opinions concerning Idolatry were handled; and it was declared, that the Names of many Angels that were invok'd were unknown, and that they knew the Names of three only, to wit, *Michael*, *Raphael*, and *Gabriel*. Likewiſe *Paulinus* Biſhop of *Aquileja* held a Council there in the Year 791, wherein, after a Confeſſion of Faith he eſtabliſh'd 14 Canons concerning the Diſcipline of the Clergy, Matrimony, and the Duty of Monks, and other Affairs.

IN the Eaſt, after the Empreſs *Irene* took the Government of the Empire upon her, ſhe ſet about reſtoring of Diſcipline; ſhe reſolv'd to have a new Council call'd, in order to examine what had been ordain'd in that which *Conſtantinus Copronimus* had conven'd in the Year 753, concerning the Worſhip of Images; with which ſhe acquainted Pope *Adrian*, that he might give his Conſent to it, to which he ſent two Prieſts as his Repreſentatives. The Meeting of the Council began in *Conſtantinople* in the Year 786; but being diſturb'd by the Officers of the Army and the Soldiers, who were ſtirr'd up to it by the Biſhops who were againſt the Worſhip of Images, it was tranſlated to *Nice* in the Year 787.

THE Pope's Legates had the firſt Place there; *Taraſius* Patriarch of *Conſtantinople* the Second; the Deputies of the Biſhops of the Eaſt the Third: After theſe *Agapetus* Biſhop of *Ceſarea* in *Cappadocia*, *John* Biſhop of *Epheſus*, *Conſtantine* Metropolitan of *Cyprus*, with 250 Archbiſhops and Biſhops, and more than a hundred Prieſts and Monks. Two Commiſſioners likewiſe from the Emperor and Empreſs aſſiſted there, and in many Speeches the Doctrine of Image Worſhip was fully debated, and many Regulations were eſtabliſh'd concerning it. There were 22 Canons made, as well concerning Doctrine as Eccleſiaſtical Diſcipline; there was a Rule laid down for the Examination of Biſhops, preſcribing their not to be admitted if they were not qualified to inſtruct the People, and if they were not ſkill'd in the Pſalter, the Evangels, and the Epiſtles of St. *Paul* and the Canons. All Elections of Biſhops or Prieſts made by Princes were declared void; and the Election of a Biſhop was committed to the neighbouring Biſhops; thoſe Biſhops were to be ſeverely proceeded againſt, who ſhould take Money for depoſing, or fulminating Excommunications. It was ordain'd that all Churches and Monaſteries ſhould have Oeconomiſts; that Biſhops and Abbots could not ſell or give away the Poſſeſſions of their Churches or Monaſteries without Neceſſity. That the Houſes of Biſhops and Monaſteries ſhould not be us'd as Inns; that a Clergyman could not be appointed to two Churches; that Biſhops and other Eccleſiaſticks were not to wear gaudy Apparel. The Building of Oratories or Chapels was forbid, if there were not a ſufficient Fund for defraying the Charges. Women were diſcharg'd from living in Biſhops Houſes, or Monaſteries of Men. The taking any Thing for Orders, or for being admitted into Monaſteries was prohibited, under the Pain of Depoſition with reſpect to Biſhops and Prieſts: As for Abbeſſes, and Abbots who were not Prieſts, they were to be turn'd out of the Monaſteries; however, thoſe who were receiv'd into the Monaſteries, or their Relations, were allow'd to give voluntarily either Money or any Thing elſe; nevertheleſs under this Condition, that thoſe Gifts were to remain with the Monaſtery, whether the Perſon entering continu'd in the Monaſtery or left it, provided that the Superiors were not the Cauſe of his leaving it. Monaſteries of the one half Men, and the other half Women were forbidden to be erected, but with regard to thoſe already eſtabliſh'd; the Monks and Nuns were order'd to live in two different Houſes, that they might not ſee, nor have Familiarity with one another. Monks were not allow'd to leave their own Monaſteries and go to others; and laſtly eating with Women, when it was not for the Good of their Souls, or when they entertain'd a Relation, or travell'd, was prohibited.

SUCH and ſo many Proviſions were made at this Time, in order to reſtore the decay'd Diſcipline in ſome meaſure: Where Vice abounded, there was need of many Laws for ſuppreſſing it; but theſe were not ſufficient to cure ſo many Diſeaſes: Therefore ſome Biſhops, in order to reform their Clergy, made their Prieſts live in common in a Cloiſter, to whoſe Care the Church is indebted for the Order of the *Regular Canons*, of which *Codegandus* Biſhop of *Metz* ſeems to have been the Inſtitutor or Reſtorer. The Churches of our Provinces, part of which were under the Emperors of the Eaſt, and part under the *Longobard* Dukes, had recover'd a little Diſcipline, but not ſo much, but that by reaſon of the Rudeneſs and Ignorance of the Age, they were likewiſe in great Diſorder, and few Veſtiges of the ancient Diſcipline remain'd in them.

SECT. I.

Of the Collection of the Canons.

WE muſt place the Collection of *Iſidore Mercator* or *Peccator* in this Century; it is in *Latin*, and compos'd of various Canons of Councils held in *Greece*, *Africa*, *France*, and *Spain*, and of many Decretal Letters of diverſe Popes, down to *Zachary*, who died in the Year 752 [1]. *David Blondell* [2] ſhews the Impoſture of many of theſe Letters attributed to ſundry Popes, whoſe they are not; and *Peter de Marca* [3], tho' he condemns the Method of this Author as too ſevere, however he confeſſes the Forgery and Impoſture. 'Tis likewiſe doubtful who the Author of this Collection was: *Hincmare* [4] Archbiſhop of *Rheims*, makes *Iſidore* of *Sevil* Author of it; and relates, that *Ricolphus* Biſhop of *Mentz*, who govern'd that Church from the Year 787 to the Year 814, carried it from *Spain* to *France*, where, under the Reign of *Charles the Great*, many Copies were made, and ſpread over all. But by what we have ſaid in the foregoing Book, and by what *Baronius* himſelf and *Marca* ſay, *Iſidore* Biſhop of *Sevil* cannot be ſaid to be the Author of it, for he died in the Year 636, ſeeing this Collection likewiſe comprehended the Epiſtles of *Zachary*, who died in the Year 752. Others [5] therefore aſcribe it to *Iſidore* Biſhop of *Sepulveda*, who died in the Year 805; who, according to the Cuſtom of thoſe Times in which the Biſhops out of Humility were wont to ſubſcribe themſelves in Councils and elſewhere *Peccatores*, has been call'd *Peccator*; and afterwards through the Fault of the Tranſcribers, in ſome Copies of this Collection, inſtead of *Peccator*, we read *Mercator*. *Emanuel Gonſalez* [6] relates, that this Collection of *Iſidore Mercator*, was publiſh'd under the Name of *Iſidore* of *Sevil*, in order to give it the greater Authority, or becauſe there was truly another Collection begun by him, which afterwards was compleated by *Mercator*, who inſerted many other Letters into it down to the Time of *Zachary*.

THIS new Collection of *Iſidore* did not only appear at this Time, but there was another likewiſe ſeen under the Title *Capitula Papæ Adriani*, which was publiſh'd in *France* by *Ingilramnus* Biſhop of *Metz*, in the Year 785. But this Collection, as *Hincmare* Archbiſhop of *Rheims* teſtifies [7], was not receiv'd in the Rank of Canons, for which we ought to conſult *Peter de Marca* [8]. In *Rome* likewiſe in this ſame Century there appear'd another Collection of the ancient *Formulæ*, intitled, *Diurnus Romanorum Pontificum*; which the Popes made uſe of only in their Diſpatches.

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[1] Doviat. hiſt. Droit Canon. par. 1. cap. 21.

[2] Blondel. in Pſeudo Iſidoro ædit. an. 1628.

[3] Marca de Concor. Sac. & Imp. lib. 3. cap. 5. n. 1.

[4] Hincmar. in Opuſc. c. 24.

[5] Baron. A. 865. num. 5. Mariana lib. 6. de reb. Hiſp. cap. 5. Chronic. Juliani Tol. Pariſ. ædit. a Laurentio Ramires.

[6] Gonſalez in Apparatu de Orig. & Progr. Jur. Can. num. 46.

[7] Hincmar. in Opuſ. c. 24.

[8] P. de Marca loc. cit. num. 4.

SECT. II.

Of Monks *and* Temporalities.

OUR Princes and Great Men did not leave off making great Donations to the Churches, and founding new Monaſteries, and inriching thoſe already built. This was truly the Age of Monks; the Ignorance of the Laicks as well as of Prieſts was at its higheſt Pitch: There remain'd only a little Learning amongſt the Monks, when they eaſily led the People by the Noſe to do whatſoever they pleas'd; the many Miracles, the ſo many new invented Devotions to ſome particular Saint, their inſtructing the People, by reaſon of the Ignorance and Lewdneſs of the Prieſts, had ſuch Effect, that it drew them the awful Regard and Reſpect of every Body. King *Luitprandus* not only built many Churches where he uſed to ſtay at any time, but likewiſe large Monaſteries. It was he that built the Monaſtery of St. *Peter* without the Walls of *Pavia*, which in the Time of *Paul Warnefride* [1], on account of its Riches, was call'd *Cœlum aureum*. He likewiſe built in *Bardum*, on the Top of the *Alps*, the Monaſtery of *Berceto*; and beſides that, he built a Church of admirable Workmanſhip in *Holonna*, in Honour of S. *Athanaſius the Martyr*, where he alſo caus'd a large Monaſtery to be erected. With great Magnificence he appointed Churches in all Places; and he was the firſt that built a Chapel within his own Palace, in Honour of our Saviour, and appointed Prieſts and Clerks, who every Day ſung the Holy Offices there: Whence the Royal Chapels began to ſhine with greater Dignity and Splendor with us, and afterwards were adorn'd with many Prerogatives and Immunities by the Popes, in order to pleaſe the Princes; and not only the Chapels but their Chaplains were rais'd to that Pitch, which we ſhall ſee in the following Books of this Hiſtory.

OUR Dukes of *Benevento*, following the Example of their Kings, founded not only in *Benevento*, but likewiſe in all their large Dukedom, new Monaſteries, and inrich'd thoſe already built, and eſpecially that of *Monte Caſſino*. *Arechis* inlarg'd that of S. *Sophia* in *Benevento*, and heap'd profuſe Donations upon it. At this Time in the Year 707, the famous Monaſtery of S. *Vincent* in *Vulturno* [2] was ſo magnificently built by thoſe three renown'd noble *Beneventan Longobards*, *Paldo*, *Taſo*, and *Tato*, that in after-times it even vied with that of *M. Caſſino*, and its Abbots were rais'd to ſo great Dignity, that they were employ'd in the moſt important Affairs of the See of *Rome*, and of the moſt potent Monarchs of the Weſt. No leſs did the Monaſteries multiply in this Dukedom, than in that of *Naples*, and in the other Cities ſubject to the Emperors of the Eaſt, as well thoſe of the Order of S. *Benedict*, as thoſe of S. *Baſil*; not only of Men, but likewiſe of Women. In *Naples* Duke *Stephen*, who was alſo Biſhop, built many Churches and Monaſteries, and endow'd them with ample Privileges and Revenues; ſuch as that of S. *Feſtus the Martyr*, now annex'd to that of S. *Marcellinus*, as alſo that of S. *Pantaleon*, of which there's no Veſtige remaining; and rebuilt that of S. *Gaudioſus* in a more magnificent Form [3]. *Antimius* Conſul and Duke founded others, to wit, thoſe of SS. *Quiricus* and *Julitta*, the Church of St. *Paul*, which he annex'd to the Monaſtery of St. *Andrew*; and thus did not only the Biſhops and Dukes of *Naples*, but alſo the other Officers and Prelates of the other Cities of theſe Provinces of which the Kingdom is now compos'd, which may be ſeen in *Ughella*'s elaborate Work of *Italia Sacra*. By which means the Monks and their Riches increas'd exceedingly; and the Growth of their Power and Reputation, by reaſon of the Ignorance of others, and the Learning which they preſerv'd among them, the beſt way they could, in a Time of ſuch groſs Ignorance, was no leſs.

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[1] P. Warnefr. lib. 6. cap. 18.

[2] Oſtienſ. lib. 1. cap. 4. V. Pellegr. in Serie Abbat. Caſſin. Theodemar. V. Ughel. tom. 6. pag. 470. where we read the Chronicle of Abbot Autpertus.

[3] Chioc. de Epiſ. Neap. in Steph. A. 764.

SO many Monaſteries therefore being founded, the Monks become very rich, and ſeeing themſelves ſo conſiderable, endeavour'd now more than ever altogether to ſhake off the Yoke of the Biſhops. 'Tis true the Monaſteries began in the preceding Century to exempt themſelves from the Juriſdiction of the Biſhops; but, according to *Alteſerra* [1], that was practis'd but very ſeldom. The Inſtance which *Zachary* gave in this Century of the Monaſtery of *M. Caſſino*, was the Occaſion that the reſt from time to time made themſelves all free. The Splendor of this Monaſtery in thoſe Days inhanc'd all the Favour of the Popes; who, as if they had been ſo many Conjurers, to know that out of it, as out of the *Trojan* Horſe, ſo many Popes their Succeſſors were to come, never gave over heaping Privileges and Prerogatives upon it. What made it the more auguſt was, that beſides *Rachis*, *Carloman*, and many Royal and Illuſtrious Perſonages had been Monks in it; therefore *Pertinax* countenanc'd by the two *Gregory*'s the Second and the Third, repair'd it in that magnificent manner; and *Zachary*, vying with his Predeceſſors, would needs endow it with greater Privileges. With his own Hand he would conſecrate it, and having gone thither accompanied with thirteen Archbiſhops, and Sixty-eight Biſhops, he made the Conſecration the more auguſt and magnificent. The Monks were ready to receive him, who was to exempt ſo famous and illuſtrious a Monaſtery altogether from the Juriſdiction of the Biſhop of the Dioceſs in which it was; *Zachary* willingly granted it ample Immunity, and caus'd a ſpecial Grant to be drawn up, by which not only that Monaſtery, but every Thing that belong'd to it, whereſoever ſituated, was exempted from the Juriſdiction of all Biſhops, *ita ut nullius juri ſubjaceat, niſi ſolius Romani Pontificis*, which are the Words of *Leo Oſtienſis* [2]. Beſides which he likewiſe adorn'd it with other Pre-eminences; that in all Councils the Abbot of *Caſſino* ſhould not only take Place of all the other Abbots, but likewiſe give his Vote before them; that being elected by the Monks he ſhould be conſecrated by the Pope; that the Biſhop entering within his Juriſdiction could not celebrate or perform any Sacerdotal Function, unleſs he was invited by the Abbot, or the Overſeer; that it ſhould not be allow'd to exact Tythes of him, nor to interdict his Prieſts, nor to call them to Synodal Councils; that the Abbots of this Monaſtery could confer Orders, conſecrate Altars, and receive the Chriſm from any Biſhop whatſoever. He moreover confirm'd to them by his *Precept*, the Poſſeſſion of all Goods and Lands which had been acquir'd by the Bounty of ſo many *Longobard* Princes, and ſundry Great Men. The other Popes his Succeſſors, following his Footſteps, augmented theſe Privileges, of which the Abbot *de Noce* [3] has compos'd a long Liſt.

THE other Monaſteries under other Rules, and their Abbots of no leſs Fame and Worth, eaſily obtain'd of the Popes to be receiv'd into the Protection of St. *Peter*, and to be immediately ſubject to the Pope, becauſe that Exemption added much to the Power of the Popes, and greatly extended their Authority over all the Nations of the Weſt; for the Erection of many great Monaſteries, govern'd by famous Abbots, who on account of their Erudition eclips'd the Biſhops, occaſion'd Diſputes among them; therefore the Abbots, in order to free themſelves of their Subjection, had recourſe to the Pope, and eaſily obtain'd Exemptions, by putting themſelves immediately under the Papal Juriſdiction. They got other Privileges beſides this, ſuch as of making the Lectors of their Monaſteries, of being ordain'd by the *Chorepiſcopi*, and a great many more. Whence it came that the Popes acquir'd many Defenders of their Authority and Power; for the Monks, by obtaining ſo many Privileges and Prerogatives, in order to preſerve them, were oblig'd to ſupport the Authority of the Granter; which the Monks, who were the moſt learn'd Set of Men of the Age, did to very good Purpoſe; by which means in a few Years all the Monaſteries were exempted. And in proceſs of Time the Chapters of Cathedral Churches, being for the moſt part Regular Clergy, on the ſame Pretences likewiſe obtain'd Exemption; and in fine the *Clunian* and *Ciſtercian* Congregations were all intirely exempted, which makes a great Addition to the Authority of the Popes, who came to have their own Subjects in every Place, how diſtant ſoever from *Rome*, who, as they were defended and protected by the Papacy, in return were zealous Defenders and Protectors of the Pope's Authority. S. *Ber-*

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[1] Alteſer. Aſcetic. lib. 7. cap. 12.

[2] Oſtienſ. lib. 1. cap. 4. vid. Ab. de Noce, who teſtifies that this ſpecial Grant is as yet preſerv'd in Archivis Caſſin.

[3] Ab. de Noce in Excurſ. hiſt. ad Chron. Oſt. lib. 1. cap. 4.

nard, tho' a *Ciſtercian*, did not approve of the Expedient, and often complain'd of ſuch Irregularities, not only to *Arrigus* Archbiſhop of *Sens* [1], but likewiſe deſir'd Pope *Eugene* III. himſelf to conſider, that all theſe Doings were groſs Abuſes, and that he ought not to approve that an Abbot ſhould refuſe to ſubmit himſelf to his Biſhop, or a Biſhop to his Metropolitan. *Richard* Archbiſhop of *Canterbury* [2] exclaim'd againſt the ſame to *Alexander* III. But theſe Gentlemen not being acquainted with State Politicks, were not minded, nor any Ear given to their Complaints: On the contrary, in after-times by keeping on in the ſame Courſe, they went further; for afterwards the Mendicant Orders not only obtain'd full Exemption from Epiſcopal Authority, whereſoever they might happen to be, but likewiſe Power to build Churches in any Place, and alſo to adminiſter the Sacraments in them: And in the latter Ages they carried this ſo far, that every private Prieſt, with little Charges, obtain'd Exemption from the Superiority of his Biſhop, not only in Caſes of Correction, but alſo to get himſelf ordain'd by whomſoever he pleas'd; and in ſhort not to own the Biſhop on any account: And altho' in the Council of *Conſtance*, on the earneſt and repeated Complaints of the famous *Gerſon* [3], very many Exemptions were annull'd; and laſt of all in the Council of *Trent* [4], ſo many Grievances were in ſome meaſure redreſs'd: Nevertheleſs the Court of *Rome* has not wanted Ways and Means, *ſalva autboritate Concilii*, to put Matters on the Footing we ſee them yet ſtand on.

THIS aggrandizing of the Monaſtick State, brought not only great Riches to the Monks, but conſequently much greater to the Court of *Rome*, where they at laſt center'd. The Popes not only encourag'd them in their Acquiſitions, and kept the Sources always open, but likewiſe by ſevere Anathema's prohibited the Alienation of them, and threatned thoſe who ſhould dare to diſturb them. Through the Ignorance and Superſtition of the People, Pilgrimages were more frequent; Prayers and Sacrifices, in order to liberate the Souls of the Dead from Purgatory, were much more recommended and practiſed. Therefore in this Age great Care was taken about Singing, Ceremonies, and Officiating well: Bells began to be common in all Churches and Monaſteries. And the particular Devotions to Saints, of whom there were innumerable Lives and Miracles compos'd, drew many in to make Donations to their Churches and Monaſteries. But the Monks, not ſatisfied with this, but being encourag'd by the Popes, incroach'd likewiſe upon the Tythes due to the Biſhops and the Pariſh Prieſts. They pretended, and made their credulous Votaries believe, that ſeeing they apply'd themſelves much more than the Prieſts to the Care of their Souls, as knowing better how to inſtruct them in the Chriſtian Doctrine by Preaching and Sermons; therefore they ought not to pay the Tythes to the Prieſts, but to them; and in effect for a long Time they made a very great Havock, not inferior to that which *Charles Martel* made in *France*; ſo that in the following Centuries it coſt a great Struggle to recover them, and reſtore them to their proper Prieſts, from whom they had been purloin'd.

NO other Province of the World, has made appear ſo much, of what Importance the Riches of the Monks were to *Rome*, as ours has done; the greateſt Commendams, the greateſt Benefices which ſhe beſtows on her Cardinals and other Prelates, for maintaining the Pomp and Splendor of her Court, proceed, and have their Riſe from nothing elſe but from the Profuſion of our Princes and devout People. The richeſt Monaſteries are given for that end in Commendam: Thoſe which Time has conſum'd, have remain'd Funds for the great Revenues which they draw out of them; and the Rents of ſo many Monaſteries of which there are ſcarcely any Veſtiges remaining, are all carried to *Rome*. Whence the Popes, vying with the Princes, who inveſt their Vaſſals with their Feodal Tenures, beſtow Benefices on theirs; and as we have got a new Body of Laws concerning Fiefs, ſo likewiſe we have got a new Juriſprudence concerning Benefices, which takes up as many Volumes as the Feudal; but of that in a more proper Place.

[1] S. Bern. ep. 12. & l. 3. de Conſid. ad Eugen.

[2] P. Bleſen. Ep. 68.

[3] Gerſon. tract. de Poteſt. Eccl. conſ. 10. & de ſtatib. Eccl. conſid. 9.

[4] Seſſ. 4. de Refor. c. 4. and elſewhere.

THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK VI.

THE Kingdom of *Italy* being transferr'd from the *Longobards* to the *French* under the Dominion of *Charles* King of *France*, whom we ſhall henceforth likewiſe call King of *Italy*, or of the *Longobards*, was no ways alter'd with reſpect to its Government and Polity by this Prince; he pretended nothing elſe but to govern it after the ſame manner in which he had found it; he ordain'd that every Man might live under the ſame *Roman* or *Longobard* Laws as they thought beſt: But he added Laws of his own to the *Longobard*. He did not diſturb the *Greeks* in the Poſſeſſion of thoſe Cities of *Brutium* and *Calabria*, which were ſubject to the Emperors of the Eaſt; neither did he attempt any Thing againſt the Dukedom of *Naples*, nor thoſe of *Amalphis* and *Gaeta* which belong'd to the *Greeks*. As for the three famous Dukedoms of *Friuli*, *Spoleto*, and *Benevento*, he pretended only, that as they were formerly ſubject to the *Longobard* Kings, and receiv'd their Laws, they ſhould continue, with the reſt of *Italy*, to be a Part of the Commonwealth; ſo likewiſe they were to acknowledge him to be King of *Italy*, proteſting that he would allow them to have the ſame

Power and Authority which they had enjoy'd under the *Longobard* Kings his Predeceſſors. He retain'd only the Sovereignty of the Exarchate of *Ravenna*, *Pentapolis*, and the *Roman* Dukedom, which he adjudg'd to the Church of *Rome*. All the other Provinces, ſuch as *Lyguria*, *Æmilia*, *Venetia*, *Tuſcania*, and the *Alpes Cottiæ*, he retain'd under the Title of a Kingdom [1], which is that Part of *Italy* that afterwards was call'd *Lombardy*.

HE allow'd the other leſſer Dukes the free Government of their Dukedoms, contenting himſelf with the Oath of Fidelity which they ſwore to him; neither did he give away their Dukedoms to others, but for Felony, or in caſe they died without Sons; and when this Conveyance from one to another was made, it was call'd *Inveſtiture:* Whence it came, that Fiefs were not granted but by Inveſtiture, as was afterwards obſerv'd with reſpect to other Feudatories and Vaſſals, Counts, Captains, and others, who were call'd *Vavaſours*. The Cities of thoſe Provinces, of which his Kingdom, afterwards call'd *Lombardy*, was compos'd, were govern'd by Counts, to whom he granted all Juriſdiction. For preſerving the Borders of the Kingdom thoſe Magiſtrates were likewiſe appointed, from whom ſome will have it, that the Title of Marquiſs had its riſe; for the *French* and *Germans* call their Borders Marches: The Counts who were appointed to govern them, were likewiſe afterwards call'd *Marquiſes*; tho' ſome ſay, that this Word is otherwiſe deriv'd, as we ſhall relate by-and-by. Theſe were the ordinary Magiſtrates that were appointed for the Government of the Cities, and the Borders of the Kingdom. There were likewiſe ſome extraordinary Magiſtrates, to whom greater Authority and Juriſdiction was given, than commonly was allow'd to the Counts; they had the Inſpection of the Adminiſtration over all the Kingdom, and were call'd *Meſſengers*. They divided and diſtinguiſh'd the Fields of each City, which under the *Longobards* were too confus'd, and occaſion'd many Diſputes among the People about their Boundaries; they appointed every one its own, and for the moſt part, by following Nature, caus'd Mountains, Bogs, Rivers, Rivulets, Valleys, or other perpetual and laſting Limits to ſerve for Marches, that Time might not alter and confound them.

HE likewiſe oblig'd the Cities to take an Oath of Fidelity to him; and impos'd a kind of Tribute upon them, and upon the Fiefs, Churches and Monaſteries, which they were to pay him, particularly when the Kings came from *France* to *Italy:* Theſe Tributes were call'd, *Foderum*, *Paratam*, & *Manſionaticum*, which afterwards were in part, and at laſt altogether remitted for him and his Succeſſors, by his Generoſity. He likewiſe had a Mind that *Italy* ſhould retain ſome Shadow of Liberty; and as the Cuſtom of *France* was, that when the King reſolv'd to deliberate upon weighty Matters, which concern'd the Good of the Kingdom, he conven'd all the States, as well the Eccleſiaſtick, as that of the Barons and Great Men of the Realm, ſo he alſo introduc'd it into *Italy*; thus every time that he return'd hither, he was wont to call a general Parliament of the Biſhops, Abbots, and Barons of *Italy*, in which the weighty Affairs of the Kingdom were conſulted. The *Longobards* had only one State, compos'd of Barons and Judges. The *French* in the Time of *Charles the Great* had two, that of the Eccleſiaſticks, and of the Nobility; the third State has been added ſince. Which Cuſtom laſted in *Italy* till the Time of the Emperor *Frederick* I. whence it was, that the Emperors of the Weſt, upon their Arrival in *Italy*, were wont frequently to call thoſe Aſſemblies, and often at *Roncaglia*, a Place not far diſtant from *Placentia* [2], where they publiſh'd many Laws, as ſhall be ſhewn more particularly in the Progreſs of this Hiſtory.

THE Affairs of *Italy* being thus ſettled by *Charles*, he left a ſtrong Garriſon in *Pavia*, and in the Year 774. return'd to *France*, whither he carried *Deſiderius* and his Wife, in order to make his Triumph more Majeſtick. Every Body would have believ'd that *Italy* under the Government of ſo great a Prince, and when the Arms of the *French* were ſo famous and formidable over all *Europe*, would have continu'd long in Peace and Quiet. But the three famous Dukes of *Friuli*, *Spoletium*, and eſpecially our Duke of *Beneventum*, ſcorning to be ſubject to foreign Kings, and thinking that it ill ſuited with their Dignity, the Kingdom of the *Longobards* being extinct in *Italy*, to be under the Government of the *French*, reſolv'd to ſhake off the Yoke intirely, and to make the Dominion of their Dukedoms which they held

[1] Sigon. pag. 163. de R. Ital. Ipſe ſibi nomine Regni retinuit.

[2] V. Franckenſtein. diſſert. de Majumis, Maicampis, & Roncaliis. V. Dufreſne in Lexic.

under the *Longobard* Kings, from Dependent, Abſolute and Sovereign. Beſides they were Favourers of *Adalgiſus*, the Son of *Deſiderius*, who had retir'd to *Conſtantinople*, where he ſtay'd with the *Greek* Emperor, by whom he had been honour'd with the Title of *Patrician*; and they keeping a ſecret Correſpondence with him, he had ingag'd the Emperor to furniſh him a Fleet in order to come to *Italy*.

THE firſt was *Rodgandus* Duke of *Friuli*, who whilſt *Charles* was employ'd in the Wars with the *Saxons*, renounc'd his Allegiance, and ſet up for Sovereign in his Dukedom. But the King being diſengag'd from the *Saxon* War, and return'd to *France*, conſidering that this Revolt might be of dangerous Conſequence, if he did not cruſh it in the Bud, reſolv'd to go to *Italy* anew, and being arriv'd in *Friuli* with a powerful Army, defeated that of the Rebel, and *Rodgandus* being taken, he caus'd him to be beheaded for an Example to others. He did not give the Dukedom to another, but for that Time extinguiſh'd it, and added the Cities of it to his Kingdom, giving each of them a Count for Governor, as he had done to all the other Cities of *Lombardy*. Thus ended the Dukedom of *Friuli*, the firſt that was erected under *Alboinus*; the firſt likewiſe that was extinguiſh'd by *Charles the Great*. However 'tis true, if we may give credit to *Paulus Æmilius*[1], that *Charles* reſtor'd this Dukedom, by making a certain *Henry*, a *Frenchman*, Duke of it; but it did not laſt long, neither is it ſo much mention'd afterwards as thoſe of *Spoleto* and our *Benevento*.

HILDEBRAND Duke of *Spoleto*, being frighted by ſo terrible an Example, and induc'd by the Proſperity of *Charles*, who had gain'd innumerable Victories, both in *Spain* and *Saxony*, thought it his beſt way, by paying him extraordinary Reſpect, to keep himſelf in his Favour, and ſubject himſelf to him, as formerly he had done to the *Longobard* Kings his Predeceſſors.

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[1] Paul. Æmil. de reb. Franc.

CHAP. I.

Of the Dukedom of Benevento, *its Extent and Polity.*

THE Dukedom of *Benevento* was the only one, which will appear incredible, that could not be ſubdu'd by ſo potent and glorious a Prince; it alone remain'd free from the Dominion of the *French*, tho' *Charles* and *Pepin* his Son, whom the Father made King of *Italy*, had often imploy'd their Power and all their Art to reduce it. But if we will conſider its flouriſhing Condition, its Extent, and the Power it had attain'd to in thoſe Days; it will appear neither ſtrange nor wonderful, that the *French* were not able to conquer it.

WHEN *Deſiderius* and the *Longobards* were vanquiſh'd in *Italy*, the Dukedom of *Benevento* was govern'd by *Arechis* his Son-in-Law; its Borders had never been ſo far extended as they were during his Government; it comprehended almoſt all that which we now call the Kingdom of *Naples*; and excepting *Gaeta*, the Dukedom of *Naples*, whoſe Dominion reach'd only from *Cuma* to *Amalphis*, and ſome other Cities of *Brutium* and *Calabria*, which were as yet ſubject to the Emperor of the Eaſt, all was under the Dominion of the *Beneventan Longobards*. According to the Limits which the moſt careful *Pellegrinus*[1] has aſſign'd it, towards the Weſt it reach'd to the Confines of the Dukedoms of *Rome* and *Spoleto*, comprehending *Sora*, *Arpino*, *Acre*, *Aquino*, and *Caſſino*; and the *Longobards* would have extended its Limits further that way, had it not been that the Popes, ſometimes with Gifts, ſometimes with Intreaties, had ſtopp'd them, and made them deſiſt from making any further Progreſs.

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[1] Pellegr. in diſſert. de finib. Ducat. Benev.

TOWARDS the South it had *Gaeta* for its Boundary; which City had never been conquer'd by the *Longobards*; it had hitherto, with many other maritime Cities, continu'd under the Dominion of the *Greeks* [1]; and tho' *Charles the Great* took it from them, yet he gave it to the Church of *Rome*, as he was wont to do with the Spoils of the *Greeks*: Nevertheleſs by the Means of *Arechis* it was again reſtor'd to the *Greeks*; whence proceeded the many Complaints which Pope *Adrian* [2] made of the *Longobards* to *Charles the Great*. But many Years had not paſs'd, when the Popes, who are very careful in keeping what they once get Poſſeſſion of, pretended that it belong'd to them; ſo that *John* VIII. tho' it was in the Poſſeſſion of the *Greeks*, did not ſtick to give it to *Pandolphus* Count of *Capua*; and *Terracina*, which likewiſe belong'd to the Conſulſhip of our *Campania*, as we have ſeen, and ſubject to the *Greeks*, was alſo given to the Popes, of which we ſhall have occaſion to diſcourſe particularly. Nevertheleſs the Dukedom of *Benevento* on this Side reach'd to *Cuma*, comprehending *Minturno*, *Vulturno*, and *Patria*, by the Ancients call'd *Clanium*, Places not far from *Capua*, which was now under the Dominion of the Dukes of *Benevento*, and govern'd by Counts whom they ſent thither. The *Beneventans* once invaded and took *Cuma*, but as we have ſaid, were with a great Slaughter repulſ'd, and it was retaken. They could not take *Miſeno*, altho' not far diſtant from their Borders; nor the other Cities of the *Tyrrhenian* Sea, ſuch as *Stabia*, *Sorrento*, and *Amalphis*, which at this Time were united to the *Neapolitan* Dukedom; but all the other Cities and inland Places of *Campania*, from the Time of *Grimoaldus*, were ſubjected to the Dukedom of *Benevento*, ſuch as *Teano*, *Caudio*, *Sarno*, *Nola*, which at this Time was call'd *Cimiterium*, and likewiſe *Salerno*. It alſo extended its Confines from *Salerno* beyond *Coſenza*, excepting *Acropolis* and the *Promontory*, which is now commonly call'd the *Cape of Licoſa*, and the other maritime Places with *Reggio*, which continu'd under the Dominion of the *Greeks*; all the other inland Places of *Lucania* and *Brutium*, to wit *Peſto*, *Conca*, *Caſſano*, *Coſenza*, and *Laino*, and other Cities, were ſubjected to the Dukedom of *Beneventum*.

IT extended itſelf no leſs towards the Eaſt: Once *Autaris* carried his victorious Banner to *Reggio*; but, as we have ſaid, this was an Incurſion like that which the *Longobards* afterwards made to *Crotone*. This Point of *Italy* was always preſerv'd by the *Greeks*, neither did the *Beneventan Longobards* extend their Dukedom on this Side further than *Coſenza* and *Caſſano*; but on the other Side they poſſeſs'd *Taranto*, and had likewiſe a great Part of *Calabria*, and excepting *Gallipoli* and *Otranto*, they reach'd as far as *Brindiſi*.

TOWARDS the North they poſſeſs'd all *Puglia*, not only the Inland but likewiſe the maritime Places, from *Bari* to *Siponto*, and the Promontory of *Gargano*, with all the adjacent Country, was under their Dominion. On this Side they could not conquer the Iſland of *Tremiti*, becauſe the *Longobards* not having Sea Forces could not come at it. *Charles the Great* got it afterwards, whither he ſent *P. Diaconus* into Exile. Their Borders were extended further on this Side; for beſides the inland Places of *Puglia*, ſuch as *Lucera*, *Termoli*, *Ortona*, and ſome maritime Cities, and all that Part which we now call *Apruzzi*, all was ſubject to this Dukedom, as was *Chieti* with the adjacent Country, and all the other inland Places of that Part of *Sannio*, which afterwards was call'd the *Contado di Moliſe*, ſuch as *Supino*, *Bojano*, *Iſernia*, and other Cities, and all the County of the *Marſi*, which bounded with that of *Sora*.

THESE were the Boundaries of the Dukedom of *Benevento*; it comprehended almoſt all theſe four Provinces into which this Part of *Italy* was divided by *Conſtantine the Great*, and the other Emperors his Succeſſors; to wit, *Campania*, *Sannio*, *Puglia* and *Calabria*, *Lucania* and the *Brutii*: In ſhort, excepting the *Neapolitan* Dukedom, *Amalphis*, *Gaeta*, and ſome other maritime Cities of *Calabria* and the *Brutii*, it comprehended all that is now call'd the Kingdom of *Naples*; and of the twelve Provinces, of which this Kingdom is now compoſ'd, nine were comprehended in the Dukedom of *Benevento*: Theſe are now *Terra di Lavoro*, the *Contado di Moliſe*; the hither *Apruzzo*, *Capitanata*, *Terra di Bari*, *Baſilicata*, the hither *Calabria*, and both the Principalities. Therefore this Part on account of its Extent was call'd by the *Greeks*, and *Latin* Writers of this Age, *Italia Ciſtiberina*, and the *Greeks* were wont alſo to call it *Longobardia Minor*, to diſtinguiſh it from the greater, which in *Gallia Ciſalpina*, on both Sides the *Po*, was ſubject to the *Longobards*, which at this Day retains the Name of *Lombardy*. Thus did *Conſtantinus Porphyrogenitus* [1], *Cedrenus* in many Places, and *Zonara* on *Baſilius Macedo* call it; and *Porphyrogenitus* in his *Themata* [2] ſpeaking of the Irruption of the *Saracens* into *Bari*, calls it ſimply *Longobardia*: Whence it came to paſs, that *Beneventum* being exalted to be the Head of ſo large a Dukedom, as *Pavia*, the Head and Seat of the *Longobard* Kings, was by the *Latins* call'd *Ticinum*; ſo this City, as being the Head and Seat of the leſſer *Lombardy*, by the *Latin* Writers of this and the following Age, was alſo call'd *Ticinum*, which the moſt accurate *Pellegrinus* in his Preface to the Anonymous [3] *Salernitanus* ſhews.

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[1] Conſtant. Porphyr. de Admin. Imperio, cap. 27. Auctor. Itinerarii S. Willibaldi apud Surium die 7 Julii.

[2] Epiſt. Hadr. 73.

AT this Time *P. Diaconus* [4] thought *Beneventum* deſerv'd to be call'd *Civitas Opulentiſſima*, and Head of many Provinces; a City reputed then the moſt polite and magnificent of all the Cities of our Provinces; and it raiſ'd its Head much higher, when *Arechis* by building the *Citta Nova* cloſe by it, made it much larger, and more populous. And when Learning was almoſt quite loſt in *Italy*, and except among the Monks, there was nothing but groſs Ignorance; *Beneventum* alone, in the midſt of ſo much Barbarity, took care to preſerve Learning. The Anonymous *Salernitanus* [5] relates, that in the Time of the Emperor *Lewis*, there flouriſh'd Thirty-two Philoſophers in *Beneventum*: *Tempore quo Lodovicus præerat Samnitibus, triginta duos Philoſophos Beneventum habebat.* Not that they were truly ſuch, as the careful *Pellegrinus* obſerves, but according to the Cuſtom of thoſe Times, all thoſe were call'd Philoſophers who profeſs'd human Learning. *P. Warnefride*, Deacon of the Church of *Aquileja*, notwithſtanding his being ſo much attach'd to his *Longobards*, by which he had ſo often offended *Charles the Great*, yet in Conſideration of his Learning always found Favour, and had no other Puniſhment inflicted upon him, but Baniſhment to *Tremiti*. From the Name then of ſo magnificent a City this vaſt Dukedom took its own; whence likewiſe it came to be call'd the Province of *Beneventum* by *Leo* [6] *Oſtienſis*, or abſolutely *Beneventum*, according to *Erchempertus* [7]: Whence thoſe Biſhops who were ſent by *Arechis* to meet *Charles the Great*, in order to ſoften him, are call'd by the Anonymous *Salernitanus*, *Beneventani Antiſtites*, juſt ſo as S. *Gregory the Great* call'd thoſe who were ſet over the Churches of the Dukedom of *Naples*, *Neapolitani Epiſcopi*.

THIS Extent, with reſpect to the Adminiſtration, likewiſe occaſion'd a new Polity, and a Diviſion of the Dukedom into ſmall Provinces, which were call'd *Contadi*, or *Gaſtaldati*, each of which had a ſeparate Government, and the Cities of the Dukedom were under the Direction of many Officers, it being impoſſible for the Duke alone to have the immediate Direction of them; therefore the Adminiſtration of many of them was given to the *Longobard* Lords who had ſignaliz'd and diſtinguiſh'd themſelves in the Wars, and theſe were call'd *Comites* or *Gaſtaldi*, inferior however to the Dukes, on whom they depended; whence the Counts had their Riſe in our Country. *Mitola* having behav'd himſelf ſo well in the War againſt *Conſtans*, for a Reward of his Valour was made Count of *Capua* by *Grimoaldus*, as we have ſaid: And thus from Time to Time many Cities of this Dukedom were given to Counts, to be govern'd by them with full, tho' dependent Authority; neither were they remov'd from the Government and Adminiſtration of them, but for Felony, or at Death: And in proceſs of Time it became a Cuſtom, that if their Male-Line was not extinct, the Counties were not transferr'd to another Family.

IN this manner were the Counties and Fiefs introduc'd among us: Formerly the Word Count did not denote Dominion, but Office; they were call'd Counts, becauſe their particular Office was to preſide in the Aſſemblies, or Meetings of Men who were ſent upon ſome Expedition; they diſtributed Juſtice, and preſided in the Publick Courts for deciding Controverſies amongſt the People committed to their Charge, which is clear from the *Longobard* Laws [1]. The Government of the Cities and the Country about them, was given to them, not as Proprietors, but Officers: Sometimes Counties were given for Life, and ſometimes for a certain and determinate Time; however the *Longobard* Princes were wont to confirm them Yearly, in order to keep them always in Subjection and Dependent, that being Tenants at Will, they might not be induc'd to plot any Thing in prejudice of the State. But when by long Experience they were ſure of their Fidelity, and that the County committed to their Charge had been govern'd with great Uprightneſs and Juſtice, it began to be a Cuſtom among the Princes, of whom they deſerv'd well, to give them in Fief and Dominion, that which formerly they held as Officers; however this was reſtricted to their own Perſons: Whence, as our *Marinus Freſcia* well obſerves [2], the Counties did not go to Heirs; therefore we often read in old Charters ſuch a one call'd *Comes & Dominus*, which imports, that for his ſignal Service and Fidelity he had obtain'd the County in Fief and Seignory, which formerly he had only the Adminiſtration of. Afterwards in proceſs of Time, out of Compaſſion, it became uſual, that the Fief went to Sons, but never to Heirs; for if the Fiefs were taken from the Sons, they would be reduc'd in an inſtant to extreme Miſery and Poverty, which would ill ſuit with the Nobleneſs of Blood: On the contrary, would ſtain and extinguiſh it altogether. Thus did Fiefs and Counties begin in theſe our Provinces under the *Beneventan Longobard* Princes, before they were in thoſe which were ſubject to the *Greeks*. Therefore the Counties into which the *Beneventan* Dukedom was divided, multiplied very much afterwards; the firſt was the County of *Capua*, which, as we ſhall ſhew, became thereafter a very large and noble Principality; next to it the Counties of *Marſi*, *Sora*, *Moliſe*, *Apruzzi*, *Conſa*, and many others which gave Names to the Provinces into which the Kingdom is now divided. Therefore the Princes of *Beneventum*, by reaſon of the Number of their Counts, appear'd in greater Splendor; from many of which the moſt illuſtrious Families of the Kingdom derive their Origin; ſuch as the Counts of *Aquino*, *Tiano*, *Penna*, *Acerenza*, S. *Agata*, *Aliſe*, *Albi*, *Bojano*, *Cajazza*, *Calvi*, *Capua*, *Celano*, *Chieti*, *Conſa*, *Carinola*, *Fondi*, *Iſernia*, *Larino*, *Leſina*, *Marſi*, *Mignano*, *Moliſe*, *Morono*, *Penna*, *Pietrabbondante*, *Pontecorvo*, *Preſenzano*, *Sangro*, *Seſto*, *Sora*, *Teleſe*, *Termoli*, *Trajetto*, *Valve*, and *Venafro*; that as *Charles the Great* was ſaid to have been the greateſt Maker of Count Palatines, ſo were our *Beneventan* Princes the greateſt Makers of Counts.

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[1] Lib. de Adminiſtr. Imp. cap. 29.

[2] Conſt. Porph. de Them. lib. 2. Them. XI.

[3] Pag. 164. num. 9.

[4] Paul. Diac. lib. 2. cap. 11. ſive 20.

[5] Anonym. Salern. in hiſt. Longob. apud Pelleg. in Præfat. ad Anonym. Benev.

[6] Lib. 1. cap. 19.

[7] Erchemp. apud Pell. num. 1.

FROM the Time of the coming of *Alczecus* Duke of *Bulgaria*, the *Caſtaldati* were alſo introduc'd; the *Caſtaldi* were inferior to Counts, and as the incomparable *Cujacius* accurately obſerves, they were not properly Feudatories; they were as Guardians who got the Cities or Villages *Jure Gaſtaldiæ*; they held them not *Jure Feudi*, as if they were perpetually to enjoy the Profits of them, but the Government and Adminiſtration of them were given for a Time, with this Clauſe, *during Pleaſure*; and it was in the Option of the Granter to reſume them at Pleaſure, as *Grimoaldus* did when he gave *Supino*, *Bojano*, *Iſernia*, and ſome other Places in their Neighbourhood in *Caſtaldato* to *Alczecus*, and therefore he would not allow him to be call'd Duke, but *Caſtaldus*: whence we often read in *Erchempertus* [3], and *Oſtienſis*, that thoſe who were made *Caſtaldi* aſpir'd afterwards to be Counts, as *Atenulphus* pretended, who from being *Caſtaldus* of *Capua*, by the Help of *Athanaſius* Biſhop and Duke of *Naples*, was made Count of that City [4]. Whence we clearly ſee, that the Office of the *Caſtaldi* was not ſo mean, and confin'd only to the Government of the Kings Houſes or Courts, or Villages and Farms, but likewiſe extended to that of Cities. Thoſe to whom the Charge of Farms and Villages was committed were alſo wont to be call'd *Caſtaldi*; and of this Sort the *Longobard* Laws make mention in many Places [5], as alſo our feodal Laws: This Title came likewiſe to be given to thoſe who had the Charge of the Revenues of the Church, who by *Urban* II. [6] are call'd Adminiſtrators of the Eccleſiaſtical State; whence the Monaſteries of Nuns alſo had their *Caſtaldi*, of which beſides more ancient Inſtances related by *Pellegrinus*, *John Boccacio* can give us ſufficient Teſtimony, with which Office, as a Reward of his continual Labour, *Maſetto da Lamporechio* was honour'd by the Nuns of that Place; beſides, thoſe were call'd alſo *Caſtaldi*, who were ſet over particular Cities by publick Authority, and who had the Care and Civil Government of them; and beſides the Charge of publick Affairs, they were wont to preſide in the Courts of Juſtice, for which they had Salaries appointed by the Publick, and ſome Revenues aſſign'd them, which were by our Feodal Laws ſaid to be due to them *nomine Gaſtaldiæ*. They were by their Office to do Juſtice to, and overſee the People under their Command, and to decide their Controverſies after the ſame manner that the Counts did, which is evident from the *Longobard* Laws[1]; which they did not do without the Advice of one or more Lawyers[2], who were their Aſſeſſors: Therefore the Cuſtom which continues in our Kingdom, of giving Aſſeſſors or Judges to Governors, is more ancient than ſome have believ'd. But the *Caſtaldi*, beſides the Civil Power, had ſometimes likewiſe the Military, which is manifeſt from a Law of *Rotaris*'s[3], and from what *Anaſtaſius Bibliothecarius* relates of the War of *Cuma*, in which near Three hundred *Longobards* with their *Caſtaldus* who led them on, and had the Charge of that Expedition, were kill'd by the Duke of *Naples*: By all which, if we will not believe what *Cujacius* ſays of the Difference betwixt theſe *Caſtaldi* and real Feudatories; to wit, that thoſe as Guardians were appointed for a Time, and not perpetually, we ſhall not know how to diſtinguiſh the Counts from the *Caſtaldi* by more clear Marks. And tho' *Camillus Pellegrinus*, not liking the Opinion of *Cujacius*, has endeavour'd to diſtinguiſh them by ſaying, that tho' the *Caſtaldi* agreed with the Counts in many Things, nevertheleſs their proper Office was to have the Inſpection of publick Matters, deriving it from the Etymology of the Words *Guaſt* and *Halden*, Words of the *German* Idiom, which the *Longobards* often made uſe of[4], which means nothing elſe but *Hoſpitum tenere*, which *Vito Amerpachio* obſerves in his Notes on the *Capitularia* of *Charles the Great*; and *Hoſpitum* not being applicable to a private Houſe, but to that of the Magiſtrates or Town-Hall, therefore he is of Opinion, that the particular Charge of the *Gaſtaldus* relating to publick, and not to private Matters, he was by that diſtinguiſh'd from the Count: Nevertheleſs be that Derivation as it will, and tho' originally this had been the Office of the *Caſtaldi*, yet ſeeing afterwards they were put over intire Cities, with the adjacent Countries, and had, as we have ſeen, all Power both Civil and Military committed to them as the Counts had; theſe two Offices will always be confounded, if we ſay not, that the one was for a Time, and the other perpetual, and given *proprio Jure Feudi*; and tho' in the Beginning they were on the ſame Footing with the Counts as to the Duration of their Office, nevertheleſs in proceſs of Time, the Counts were not depriv'd of the County, but either for Felony or Death, and afterwards it was ſeen to deſcend to their Male Children. There was alſo another Mark whereby they were diſtinguiſh'd, for the Title of Count denoted Dignity, and that of *Caſtaldus* Office; whence we often read in old Charters, *Dignitate Comes*, *munere Caſtaldus*.

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[1] Lib. 2. tit. 52.

[2] Freccia de Subfeud. pag. 71.

[3] Erchemp. num. 65 & 66. Oſtienſ. lib. 1. c. 48.

[4] Erch. num. 62.

[5] Lib. 1. tit. 34. & lib. 2. tit. 17.

[6] Cauſa 1. quæſt. 3. can. 8. Salvator Dufreſne in Lexic.

HOWEVER tho' the Dukedom of *Beneventum* was divided into many Counties, and *Caſtaldati*, as it was into Provinces, which is manifeſt from the *Capitularia* of *Radelchiſis* Prince of *Beneventum*; yet their Number and Extent have not appear'd from Hiſtorians: however the moſt remarkable were thoſe of *Taranto*, *Caſſano*, *Coſenza*, *Laino*, *Lucania*, or *Peſto*, *Montella*, *Salerno*, and that of *Capua*; the largeſt were thoſe of *Capua* and *Coſenza*; that of *Capua* reach'd towards the Weſt to *Sora*; that of *Coſenza*, on the other hand as far as S. *Euphemia* and *Tropea*. There was alſo the *Caſtaldatus* of *Chieti*, which comprehended many Cities and Towns; that of *Bojano* with the adjacent Places, eſtabliſh'd by *Grimoaldus* in the Perſon of *Alczecus* the *Bulgarian*, which Two hundred Years thereafter, was poſſeſs'd by *Guandalpertus*[5]. This ſpecial Grant was transferr'd from *Bojano* to *Moliſe*, in its Neighbourhood; whence it was firſt call'd the County of *Moliſe*, and afterwards the Province of the County of *Moliſe*, which Title it retains to this Day. There were thoſe of *Teleſe*, S. *Agata*, *Avellino*, and *Acerenza*, *Bari*, *Lucera*, and *Siponto*; and in ſhort, there were *Caſtaldi*, or Counts appointed to all the moſt conſpicuous Cities of this Dukedom; in the Diſtribution of which there is no regard had to the ancient Polity or Diſpoſition of the Provinces, according to the Diviſion made of them under *Conſtantine* and his Succeſſors; that fail'd altogether, and a new one aroſe.

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[1] Lib. 2. tit. 52. l. 19. ex Pepini Regis Conſt.

[2] Camill. Pel. diſ. Duc. Ben. in antiq. Prov. &c. pag. 81.

[3] Lib. 1. tit. 14.

[4] L. 15. tit. 14. lib. 1. LL. Long.

[5] Erchemp. num. 29.

IN this flouriſhing Condition was the Dukedom of *Beneventum* when the *Longobards* were vanquiſh'd and defeated in *Pavia.* But Military Diſcipline had not decay'd among the *Beneventan Longobards*; they had always been kept in Exerciſe by the *Neapolitan Greeks*, with whom they had continually cruel and obſtinate Wars; for the *Longobards* always endeavour'd to reduce the Dukedom of *Naples* under their Dominion, as they had done almoſt all the other Parts of theſe Provinces, which now make this Kingdom; the Power and Bravery of the *Neapolitans* was the more conſpicuous, in that they were oblig'd to fight with unequal Forces, and to contend with an Enemy as near, as numerous and powerful: They reſiſted with ſo much Intrepidity and Valour, that the *Beneventans* were not able to ſubdue this Dukedom; and it was but in the latter Times that they made it Tributary. After having ſhewn in what State the *Beneventan Longobards* were, when their Kings were driven out of *Italy*, it will now be fit that we likewiſe give an Account of the Fate and Dominion of the *Greeks*, which they as yet had in theſe Parts, and which they continu'd to keep in the ſame manner that the *Beneventans* did, after that *Charles the Great* had made himſelf King of *Italy*.

CHAP. II.

Of the Dukedom of Naples, *its Extent and Polity.*

THE Empire of the Eaſt, after the Invaſion of the Barbarians, who had made themſelves Maſters of *Egypt*, *Africa*, *Syria*, *Perſia*, and other large Provinces of *Aſia*, was confin'd to *Aſia Minor*, *Greece*, *Thrace*, and a ſmall Part of *Italy*, with the neighbouring Iſlands; and there was no further regard had to the ancient Diſtribution of its Provinces, for its Form being chang'd, new Diviſions into Diſtricts, ſome greater, ſome leſſer, were introduc'd, and were call'd *Themata*, which had their particular Governors. *Conſtantinus Porphyrogenitus*[1] compos'd two Books of them; in the firſt he number'd the *Themata*, or Provinces of *Aſia*, which were ſeventeen; in the ſecond thoſe of *Europe*, whoſe Number was twelve. Amongſt the *Themata* of *Europe*, *Sicily* is the tenth, and *Lombardy* eleventh. Which Name of *Lombardy* the *Greeks* gave to that ſmall Remnant which they had of *Italy*, according to their Vanity and Cuſtom of retaining the Name at leaſt of what others had made themſelves Maſters of in that Empire; as for the reſt, the greater *Lombardy* had been poſſeſſed by the *French*, as the leſſer by the *Beneventan Longobards*. The Countries which *Conſtantinus*[2] reckon'd under the *Thema* of *Lombardy*, which were ſubject to the Empire of the Eaſt, are thoſe of the Dukedom of *Naples*, which City he therefore likewiſe honours with the Title of Metropolis, as being the Head of a not deſpicable Dukedom, and the ancient *Calabria*, which it ſtill was Maſter of. The *Brutii* together with *Reggio*, *Girace*, *Sancta Severina*, *Crotone*, and other Cities, *quibus Prætor Calabriæ dominatur*, which are his Words[3], are aſcrib'd to the *Thema* of *Sicily*.

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[1] Conſtant. Porph. de Themat. Im Orient.

[2] Conſt. loc. cit. Th. XI. Neap. Metropolis.

[3] Conſt. loc. cit. Them. X.

AFTER the Exarchate of *Ravenna*, which was the chief Magiſtracy that the Emperors of the Eaſt had remaining in theſe Weſtern Provinces, and on which all the other Dukedoms depended, was extinguiſh'd in *Italy*; the *Greeks* not having any other Thing left in the Weſt, but *Sicily*, *Calabria*, the Dukedom of *Naples*, that of *Gaeta*, and ſome other maritime Cities, appointed a new Magiſtrate for the Government and Adminiſtration of theſe Countries, whom they call'd Patrician or Deputy; and to each *Thema* they ſent a particular Patrician to govern it. *Conſtantine*[1] himſelf in his other Book *De Adminiſtrando Imperio*, jumbling as uſual, true Facts with fabulous; and not remembring what he had wrote in the ſecond Book of his *Themata*, ſays, that from the Time that the Seat of the Empire was tranſlated to *Conſtantinople*, there were two Patricians ſent to *Italy* by the Emperor of *Conſtantinople*, one to govern *Sicily*, *Calabria*, *Naples*, and *Amalphis*; and the other, *Beneventum*, *Capua*, *Pavia*, and the other Places of that Province; and that each of them paid a yearly Tribute to the Emperor's Exchequer: He adds likewiſe, that *Naples* was the ancient Seat of the Patricians, and that whoever govern'd this City, had alſo *Sicily* under his Juriſdiction; and that when the Patrician came to *Naples*, the Duke of *Naples* went to *Sicily*. Altho' this Account be repugnant to all Hiſtory, for after the Imperial Seat was tranſlated to *Conſtantinople*, *Italy* was not govern'd by Patricians, but *Conſulares*, *Correctores*, and *Præſides*, all of them under the *Præfectus* of *Italy* or of *Rome*; and it was not till towards the End of the Empire of *Juſtin*, that its Polity was alter'd, when the Dukes were introduc'd, and the Exarchate of *Ravenna* eſtabliſh'd by *Longinus*, neither did the Duke of *Naples* ever afterwards concern himſelf in the Government of *Sicily*; this Dukedom being comprehended, together with the ancient *Calabria*, in the *Thema* of *Lombardy*: Nevertheleſs, what he ſays of the Patrician who was appointed for *Sicily*, his having likewiſe the Adminiſtration and Government of *Calabria*, and of all the other Places which were yet ſubject to the Emperors of the Eaſt, if we will have regard to the Time of *Charles the Great*, in which we now are, is not at all fabulous.

FROM the Extent of the Dukedom of *Beneventum* as above deſcrib'd, we may eaſily know what was remaining to the *Greeks* in ancient *Calabria* and the *Brutii*, and how far the Dukedoms of *Naples* and *Gaeta* extended, which for a long Time continu'd under their Dominion. In ancient *Calabria* the *Greeks* had at this Time remaining, after they loſt *Taranto* and *Brindiſi*, only the Cities of *Gallipoli* and *Otranto*; but in the *Brutii*, beſides *Reggio* they poſſeſs'd many other Cities, ſuch as *Gerace*, *Sancta Severina*, *Crotone*, and other Towns of that Province. They as yet likewiſe poſſeſs'd *Amantea*, *Agripoli*, and the Promontory which we now call the *Cape of Licoſa*. All theſe Places, tho' they had particular Magiſtrates, by whom they were immediately govern'd, yet they were at this Time intirely aſſign'd to the Government of the Patrician of *Sicily*; for formerly only the *Brutii* on the Mediterranean or Lower Sea, on this Side of the *Fare* belong'd to *Sicily*, as being neareſt to it; foraſmuch as the ancient *Calabrians* of the Upper Sea, which we now call the *Adriatick*, as alſo *Naples* and *Amalphis*, were not of that *Thema*, but as *Porphyrogenitus* himſelf ſays in the ſecond Book of his *Themata*, they belong'd to the *Thema* of *Lombardy*; but the *Greeks* having afterwards loſt *Taranto* and *Brindiſi*, and (excepting *Gallipoli* and *Otranto*) all the other Towns of ancient *Calabria*; the Cities which they had in this Province, with thoſe remaining to them in the *Brutii*, and in that Part of ancient *Lucania*, which we now call the *Hither Calabria*, and in the Dukedom of *Naples*, belong'd to the *Thema* of *Sicily*[2], together with *Gaeta*; ſo that the Patrician who was appointed for the Government of it, as *Porphyrogenitus* ſays, had alſo the Superintendency of *Calabria*, *Naples*, and *Amalphis*; which, however ſtrange it may ſeem with reſpect to *Amalphis* and *Naples*, yet it is not to be doubted as to *Gaeta*, which is evident from the Epiſtles of Pope *Adrian*, who, after *Charles the Great* had yielded *Gaeta* to him, which a little before he had taken from the *Greeks*, and which *Arechis* had got to be reſtor'd to them, writing to *Charles the Great*, complains of the *Beneventan Longobards*, calling them *Nefandiſſimi*, who being Confederates of the Patrician of *Sicily*, had robb'd him of that City, and ſubjected it to that Patrician, who reſided then in *Gaeta*[3]. Neither could the moſt accurate *Pellegrinus* deny, in relating this Place of *Adrian*, but that then, beſides that Iſland, many other Cities on this Side of the *Fare* belong'd to the Government of the Patrician of *Sicily*, and of which he had the Superintendency. But as for *Naples* 'tis ſaid, that by the Death of *Antimius*, who ſucceeded *Theophilus* in the *Neapolitan* Dukedom, Diſputes having ariſen about the Election of a new Duke; the *Neapolitans* being divided into Factions, in order to appeaſe them they were forc'd to have recourſe, not to the Exarch of *Ravenna*, as formerly, but, there being no ſuch Officer, to the Patrician of *Sicily*, who in order to quell the Diſturbance ſent *Theocliſtus* to be their Duke; but he was ſoon turn'd out by the Emperor, for theſe Diſputes reach'd *Conſtantinople*, and *Theodorus Protoſpatarius* was quickly ſent to be Duke, to whom *Theocliſtus* was oblig'd to yield the Place. Whence *Capacius*, or whoever was the Author of the *Latin* Hiſtory of *Naples*, infers, that our Dukes were either directly ſent from *Conſtantinople*, or were choſen by the *Neapolitans*, who expected the Confirmation of their Election from the Emperor; which *Camillus Pellegrinus* has clearly demonſtrated.

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[1] De Admin. cap. 27.

[2] Pellegr. in Diſſer. de Finib. Ducat. Ben. pag. 72.

[3] Adrian. Ep. 73. Pellegr. in Fin. Duc. Ben. ad Meridiem.

FROM this Superintendency, which in thoſe Times we ſee belong'd to the Patrician of *Sicily*, over theſe Provinces on this Side of the *Fare*, I believe, if it be allow'd to make Conjectures about Things ſo obſcure, that afterwards our *Norman* and *Suevian* Princes deriv'd the Cuſtom of calling this Part on this Side of the *Fare* alſo by the Name of *Sicily*; whence afterwards the Popes, for the clearer Diſtinction, call'd this Kingdom *Sicily* on this Side of the *Fare*, and the other *Sicily* beyond the *Fare*. From the Time of the *Normans* the Name of *Sicily* was certainly common to both theſe Kingdoms; and if there be not an Error in that Charter of *Roger the Norman*, related by *Ughellus* [1], which was granted about the Year of Chriſt 1115, and written in the *Greek* Language, in Favour of the Church of S. *Severina* in *Calabria*, we ſee from that Time the Name of *Sicily citra Farum*, was in uſe; for *Roger* is there call'd *Comes Calabriæ, & Siciliæ citra Farum.* Which afterwards our *Norman* Kings, and commonly the *Suevian* follow'd, for in the Time of theſe Kings, the Name of the Kingdom of *Sicily* comprehended not only that Iſland, but likewiſe this our Kingdom; of which in another Place we ſhall diſcourſe more at large.

NEITHER ought we to paſs over in this Place another ſtrong Conjecture of the moſt accurate *Pellegrinus*, who ſuſpects that the Change and Transferring of the Names of theſe two Provinces comes from this, to wit, that what according to the ancient Diſtribution was call'd *Brutium*, and Part of *Lucania* was afterwards call'd *Calabria*; and on the other hand, the ancient *Calabria* loſing its old Name, was firſt call'd *Longobardia*, or *Puglia*, and afterwards *Terra d'Otranto*, and *Terra di Bari*; for as we have ſaid, the *Greeks* before the coming of the Emperor *Conſtans* to *Beneventum*, had Poſſeſſion of *Sicily* and the neighbouring *Brutii*, and extended their Dominion, beſides *Coſenza*, over all this Coaſt as far as *Agripoli*, and the maritime Cities of *Campania*, *Amalphis*, *Sorrento*, *Stabia*, *Naples* and *Cuma*, to *Gaeta* on the Coaſt of the lower Sea; and on that of the upper Sea, they retain'd almoſt all the ancient *Calabria*, and its maritime Cities, *Taranto*, *Brindiſi*, *Otranto*, and *Gallipoli*, as far as *Bari*; all theſe Places were deſcrib'd in two *Themata*, and divided into two Provinces. The I. was *Sicily*, and the neighbouring *Brutii*. The II. comprehended all the other Places, tho' much ſeparated and divided from one another, which paſs'd under the Name of the ancient *Calabria*, and afterwards *Lombardy*, which at this Time was the richeſt and largeſt Province they poſſeſs'd. But after *Conſtans* was defeated, and his Army put to Flight by *Grimoaldus*, the *Greeks* were almoſt intirely ruin'd in that Province; for except *Gallipoli* and *Otranto*, all the Cities of *Calabria*, as well Inland as Maritime, were poſſeſs'd by *Romualdus* Duke of *Beneventum*, and incorporated into his Dukedom. But the Emperors who ſucceeded *Conſtans*, according to the wonted Vanity of the *Greeks*, that the Provinces of the Empire might not ſeem to be diminiſh'd in Number, the ancient *Calabria* not being intirely loſt, there remaining ſtill *Otranto* and *Gallipoli*, they retain'd the ſame Name, and applied it to the neighbouring *Brutii*. And ſince the Seat of the Prætors of this Province had been ſettled by the *Greeks* in *Taranto*, which City was now poſſeſs'd by the *Beneventan Longobards*, it behov'd them to tranſlate it elſewhere, and to a Place where their Dominion was largeſt, whereupon it was remov'd to *Reggio* amongſt the *Brutii*; thus *Reggio* being appointed the Seat of the chief Magiſtrate who govern'd that Province, *Brutium* likewiſe got the Name of *Calabria*, as did alſo a Part of *Lucania*; ſo that in the following Times they were oblig'd to divide it into two Provinces, which were call'd the *Hither* and *Further Calabria*; and thus was *Brutium* call'd *Calabria* by the *Greeks*. The *Longobards*, as it happens amongſt Neighbours, after their Example call'd thoſe inland Places which they poſſeſs'd in *Brutium*, likewiſe *Calabria*; and the Places of the ancient *Calabria*, from *Taranto* to *Brindiſi*, which they had taken from the *Greeks*, they call'd no more by this Name, but *Puglia*, as being adjacent to the ancient *Puglia*, which was before in their Poſſeſſion: And on the other hand, what the *Greeks* had loſt in the ancient *Calabria* on the upper Sea, and which was in the Hands of the *Longobards*, they call'd no more *Calabria*, but *Lombardy*; and thus did this Province loſe its ancient Name, which was given to another.

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[1] Ughel. tom. 9. Ital. Sacra in Archiep. S. Severin.

SUCH in theſe Times was the Diſtribution and Polity which the *Greeks* practis'd in the Places that had remain'd to them in theſe Provinces. But now it remains that we give a particular Account of the State of the *Neapolitan* Dukedom in this Century, and how far it extended its Borders, and how it has been able to contend with the *Beneventans* for its Liberty.

THE Dukedom of *Naples*, after *Theodorus*, *Sergius*, *Criſpanus*, *Joannes*, *Exhileratus*, and *Petrus*, had ſucceſſively govern'd it, was at this Time under the Adminiſtration of *Stephen* Duke and Conſul, who, as we have ſaid in the foregoing Book, after his Wife's Death was by the *Neapolitans* elected, and by *Stephen* III. confirm'd Biſhop of *Naples*, who, notwithſtanding this new Dignity, not very conſiſtent with that of Duke, did not give up the Government of the Dukedom; but only for aiding and ſupporting him in his Old Age, he procur'd from the Emperor *Conſtantine*, Son of *Irene*, who at that Time reign'd in the Eaſt, that his Son *Ceſarius* ſhould be given him for his Collegue and Succeſſor; but altho' he had him for Collegue, he could not be his Succeſſor, being ſnatch'd away by untimely Death, in the Flower of his Age, which was a great Affliction to his Father; who for a Monument of his Grief erected him a Tomb, on which in Acroſtick Verſes (for in theſe, at this Time, all the Sharpneſs of Wit and Skill of Poets conſiſted) he laments his Misfortune, and extols the Praiſe and Worth of his beloved Son. The Stone of this Tomb was formerly ſeen in the Churchyard of S. *Januarius* without the Walls of this City, and is not as yet loſt, as the late Writer of the *Latin* Hiſtory of *Naples* believes, but by ſome unknown Accident has been tranſported to *Salerno*, and is to be ſeen in the Church of the *Minor Conventuals*; and tho' he had never read *Chioccarelli*[1], *Camillus Pellegrinus*, and *Maza*, who relate it, he might have ſeen it with his own Eyes in *Salerno*, not far from *Sorrento*.

UNDER the Government of *Stephen*, the Borders of this Dukedom reach'd towards the Weſt as far as *Cuma*; the Iſlands *Enaria*, now call'd *Iſchia*, *Niſita*, and *Procida*, with the other maritime Places of that Neighbourhood, ſuch as *Pozzuolo*, *Baja*, *Miſeno*, and the fabulous Mouths of the *Stygian* and *Avernian* Lakes, and the *Elyſian* Fields were comprehended within its Limits. Towards the South the maritime Cities of that Coaſt, ſuch as *Stabia*, which is now call'd *Caſtellamare*, *Sorrento*, and *Amalphis*, with the Iſland of *Caprea*, were included in it.

AMALPHIS, as alſo *Sorrento*, were not only in the Time of *Arechis*, but even to the Time of *Sicardus* Prince of *Beneventum*, comprehended in the *Neapolitan* Dukedom. *Amalphis* had not as yet been disjoin'd from it, as it was afterwards, when being made a ſeparate Dukedom, it extended its Bounds ſo much, that it became one of the moſt flouriſhing and powerful States that was in all theſe Provinces, whoſe Inhabitants were famous and renown'd for their Skill in Navigation, over all the Nations of the Eaſt, of which we ſhall have a more fit Occaſion to diſcourſe elſewhere. Hitherto, and for many Years after, laying aſide idle Stories, 'tis clear, that *Amalphis* was united to the *Neapolitan* Dukedom, and under the Government of the Dukes of *Naples*; for one of the Efforts which *Arechis* made upon the Dukedom of *Naples*, was the Expedition againſt *Amalphis*, to which he laid cloſe Siege with a powerful Army, and burnt all the open Places in its Neighbourhood; and if the *Neapolitans* had not gone to the Relief of that City, which was in their Dukedom, and with incredible Valour had not put to flight, and diſpers'd the *Beneventans*, part of whom they made Priſoners, and kill'd a great many, certainly *Amalphis* had been taken and ſubjected to *Arechis*. *Adrian*, who took this Attempt of the *Longo-*

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[1] Chiocar. de Ep. Neap. in Steph. Camil. Pel. hiſt. Princ. Long. in Tumul. Mazza de reb. Saler.

bards againſt the *Greeks* in ill Part, gave a diſtinct Account of the Succeſs of it to *Charles the Great*, which Letter of his is to be ſeen at this Day [1], in which he calls the People of *Amalphis* plainly of the Dukedom of *Naples*. For which Cauſe the *Neapolitans* run to their Aſſiſtance.

IN the Time of *Sicardus* Prince of *Beneventum*, *Amalphis* as well as *Sorrento* was ſubject to the Dukedom of *Naples*, which is manifeſt from the *Capitularia* of this Prince, printed among the Monuments of our *Longobard* Princes, by *Camillus Pellegrinus*, wherein *Sicardus* promiſes to the Duke of *Naples* to obſerve thoſe Capitulations, which had been agreed upon after a bloody War, as well for *Naples*, as for his other Cities, to wit *Sorrento*, *Amalphis*, and for all the other Caſtles ſubject to the Duke of *Naples*. And in *Erchempertus* [2] we likewiſe read, that the Duke of *Naples* ſent the Inhabitants of *Amalphis* to fight againſt the *Capuan Longobards*, in order to oblige the Prince of *Salerno*, with whom he had entred into a Confederacy againſt the *Capuans*. The Anonymous *Salernitanus*, in a Hiſtory not as yet printed, in many Places takes it for granted, and ſays, that the *Amalphitans* had their annual Counts, who were appointed to govern the City, and were ſubject to the Dukes of *Naples*, as the moſt accurate *Pellegrinus* alſo teſtifies. However 'tis certain, that *Sorrento* was afterwards ſubject to the *Longobards*, becauſe we read, that *Landulphus* created a Son of his Duke of this City [3].

BUT how far the Dukedom of *Naples* reach'd towards the Eaſt and North, may be eaſily determin'd, for it could not extend itſelf over the inland Places Northwards, as being all poſſeſs'd already by the *Beneventans*; and *Capua* being likewiſe in their Poſſeſſion, much confin'd its Limits on that Side; and on the other hand *Nola*, *Sarno*, and *Salerno* were alſo ſubject to them. It could only keep theſe open Fields and ſome Places round about, which by the Garriſon of the City, and the Strength of their Arms they were able to defend. Only *Nocera*, which we now call *Nocera de Pagani*, an inland City, maintain'd itſelf under the Dukedom of *Naples*, ſo that in the Year 839, *Radelchiſius* Prince of *Beneventum* having ſent *Dauferius* into Exile, he went to *Nocera*, *ut potè urbi tunc Juris Ducatus Neapolitani*, as *Pellegrinus* ſays [4]: Juſt ſo as the *Romans*, who being exil'd, fulfill'd their Sentence in going to *Naples*, and other confederated Cities. The maritime Cities of this Province ſtood their Ground, becauſe they were defended by the Sea, and by reaſon of their Situation, were inacceſſible to the *Longobards*, who had no Naval Forces, for which Cauſe they made their greateſt Conqueſts over the inland Cities.

THIS Dukedom retain'd alſo a Polity like unto that of *Beneventum*; for its Cities had their particular *Rectores*, by whom they were immediately govern'd, who were likewiſe call'd Counts, and were ſubordinate to the Dukes of *Naples*; the Anonymous *Salernitanus* ſays the ſame of *Amalphis*: S. *Gregory the Great* gives us a certain Teſtimony of the Count of *Miſeno*, and he makes mention of this Count in one of his Epiſtles [5]; as for *Sorrento*, *Stabia*, *Cuma*, and the other Places, tho' we meet with no Veſtige of it in Authors, however we ought to believe, that they were alſo govern'd by ſuch a Magiſtrate. The Dukes of *Naples* certainly appointed the Count of *Averſa* in the Time of the *Normans*, becauſe they founded that City. But theſe Counts were not Feudatories, as they were in the Dukedom of *Beneventum*: They were purely Officers, and for a certain Time, becauſe Fiefs were not known among the *Greeks*; whence it came that the Provinces of *Calabria* and *Brutium*, as well as *Naples*, knew them later than thoſe which compos'd the Dukedom of *Beneventum*. But with what Laws *Naples* and its Dukedom, and the other Cities which were under the Dominion of the Emperors of the Eaſt, were govern'd in theſe Times, whether by thoſe of *Juſtinian*, whoſe Pandects were afterwards found in *Amalphis*, or by the Laws of the other Emperors of the Eaſt his Succeſſors, we ſhall have a more fit Opportunity to relate in another Place, when we ſhall give an Account of the new Compilations made by the Emperors of the Eaſt in Emulation of *Juſtinian*.

SUCH was the State of theſe Provinces which now make up the Kingdom of *Naples*, when *Charles* King of *France*, after having vanquiſh'd and ſubdu'd the *Longobards* in *Pavia*, and put in Fetters *Deſiderius* the laſt King of that Nation, took upon him the Title of King of *Italy*, and of the *Longobards*, whereby he pretended to exerciſe all that Sovereignty over the Dukedom of *Beneventum*, which the other *Longobard* Kings his Predeceſſors had done.

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[1] Ep. 18.

[2] Erchemp. num. 26, & 27.

[3] Pellegr. in Stem. Princ. Long.

[4] Ibidem.

[5] L. 11. indit. 6. epiſt. 31.

CHAP. III.

How Arechis *chang'd the Dukedom of* Beneventum *into a Principality, and endeavour'd to free himſelf altogether from Subjection to the* French.

ARECHIS, to whom *Deſiderius* had given *Adelperga* his Daughter in Marriage, and created him Duke of *Beneventum*, diſdaining to be Vaſſal to *Charles*, as he had been to his Father-in-Law, and as his Predeceſſors had been to the preceding Kings of the *Longobards*, and ſcorning to ſubject himſelf to foreign Princes, ſhook off the Yoke, and truſting to the Strength of his own State, and the Hearts of his *Longobards*, dropt the Title of Duke, and aſſum'd that of Prince, that thereby he might the more plainly declare his Sentiments, which were to be free, and not ſubject to another. He was the firſt who call'd himſelf Prince of *Beneventum*, and it was the firſt Time that this Title was introduc'd into theſe our Provinces, which as to Antiquity is poſterior to that of Duke, Count, or Marquis, but in Dignity and Prerogative much ſuperior. The Anonymous *Salernitanus*[1], tho' not a fabulous Writer, as *Baronius*[2] unjuſtly accuſes him, yet with reſpect to ſome Facts, of a Childiſh Wit and Learning, relates of *Arechis*, that when he was but a private Man, there happen'd to him a prodigious Accident, which prognoſticated this new Dignity of Prince, to which he was to be advanc'd; he ſays, that one Day in the Church of St. *Stephen* in *Old Capua*, when many *Longobard* Barons, according to their Cuſtom, all arm'd with Swords, were aſſembled with Duke *Luitprandus*, who at that Time govern'd *Beneventum*; among the reſt *Arechis*, then a Youth, was preſent, and when every one was praying, *Arechis* began with a low Voice to repeat the *Miſerere*; and being come to this Verſicle, *Spiritu principali confirma me*, he perceiv'd his Sword to tremble, as if ſome Body had ſhaken it: *Arechis*, full of Aſtoniſhment and Fear, after the Prayer was ended, told his Friends what had happen'd to him. Upon which one, who was reputed the wiſeſt, broke Silence, and ſaid to him: *Thou art not to leave this unſtable Life, for what I can foreſee, before the Lord advance thee to a principal Dignity.* Which afterwards, adds the *Salernitan*, the Event prov'd, for after the Death of *Luitprandus*, *Arechis* was unanimouſly proclaim'd Prince of *Beneventum*, and rais'd to that illuſtrious Dignity.

BUT, whoever may take Pleaſure in theſe and the like Puerilities, with which the *Salernitan* has ſtuffed his Hiſtory, 'tis evident from *Erchempertus*[3], *Oſtienſis*[4], and all the Chronicles which we have of the Dukes and Princes of *Beneventum*, that *Arechis* was the firſt among us, that aſſum'd the Title of Prince. He did not ſtop there, but in order to give the greater Proof of his abſolute Empire, adorn'd himſelf with Royal Badges; cloathing himſelf with Purple and the Royal Mantle, graſping the Scepter, and putting the Crown upon his Head; and that nothing of Royal

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[1] An. Salern. par. 1. num. 3. apud Pellegr.
[2] Baron. ad. A. 787. num. 101. V. Pellegr. de Anon. Saler.
[3] Erchemp. num. 2.
[4] Oſtienſ. lib. 1. cap. 9.

Dignity might be wanting, he likewiſe caus'd himſelf to be anointed by his Biſhops, as the Kings of *France* and *Spain* were uſed to do; and in fine, he ordain'd, that the Dates of his Writs ſhould be marked after this manner: *Dat. in Sacratiſſimo noſtro Palatio.* And as on the ſolemn Proclamation of Chriſtian Princes, the Cuſtom was to place their Images in the Churches, in which theſe Ceremonies were perform'd, ſo likewiſe *Arechis* caus'd his Pictures with a Crown upon them, to be plac'd in the Churches of his Dominions; and with an abſolute and independent Sway he began to govern theſe Provinces. He likewiſe aſſum'd the Power of making Laws, and we have as yet his *Capitularia*, in which he made many Regulations; in ſome Heads conforming himſelf to the *Longobard* Laws, and in others derogating from them; and what the *Longobard* Kings did over all *Italy*, he pretended to practiſe in his Principality.

IN the Code of the Monaſtery of the Cave ſeveral Times mention'd, among the Edicts of the *Longobard* Kings, we alſo read one of this Prince, which contains ſeventeen Chapters. The firſt begins, *Si quis homo*; and the laſt ends, *Si quis hominum. Camillus Pellegrinus* [1] tranſlated it intirely in his Hiſtory of the *Longobard* Princes, marking wherein it was conformable to, and wherein it was different from the *Longobard* Laws. The other Princes his Succeſſors follow'd his Example, ſuch as *Adelchis*, *Sicardus*, *Radelchiſus*, and others, as may be ſeen in their *Capitularia*, printed by *Pellegrinus* [2]; ſo that to the Laws of the *Longobards* Kings were annex'd thoſe of the Princes of *Beneventum*, by which theſe our Provinces were govern'd, and according to which the Judges decided Controverſies, and adminiſter'd Juſtice. The conſulting about War, or Alliances, or Peace, was reſerv'd to Prince *Arechis*; he had many Wars with the *Neapolitans*, and many more with the *French*; he aſſum'd to himſelf alone the making of Magiſtrates and Officers of State; the holding of Courts of Juſtice; the coining of Money with his own Image on it; and all the great and ſupreme Royal Privileges: In ſhort, the whole Care of the State, as well Political as Military, with all the Rights of Sovereignty, was conferr'd on *Arechis*.

CHARLES King of *France*, who, after having in the Year 781. declar'd *Pepin* his Son King of *Italy*, was employ'd in other Expeditions, having heard that *Arechis* had thrown off the Yoke, and taken upon himſelf all the Royal Badges, and rul'd in *Beneventum* as Sovereign, and being likewiſe ſpurr'd on by Pope *Adrian*, who was very jealous of theſe Steps of the *Beneventans*, in the Year 786. return'd to *Italy* with a powerful Army; and afterwards in the Month of *April* of the following Year 787, he invaded the Principality of *Beneventum*, and threaten'd to beſiege that City. *Arechis* this ſame Year 787. was involv'd in a War with the *Neapolitans* about the Fields of *Nola*, but hearing of the Arrival of *Charles*, who with a formidable Army was deſtroying his Country, he immediately concluded a Peace with the *Neapolitans*, being afraid they would join with the *French*, and granted them ſome Subſidies, or *Diaria*, as *Erchempertus* calls them [3], in *Liburia* and *Cemiterium*, Fields about *Nola* moſt fertile in Corn and Wine.

WHEN the *French* Army came to *Beneventum*, *Arechis* at firſt made a ſtrong and obſtinate Reſiſtance; but not having ſufficient Forces to encounter a vaſt Army, which like Locuſts were deſtroying every Thing in their way; he fortified *Beneventum* the beſt way he could, with ſtrong Ramparts, and retir'd to *Salerno*; and it was then that this Prince ſurrounded this City with high Towers and ſtrong Walls, and that our *Longobards* began to fortify the maritime Cities, in order to ſecure themſelves from the Irruptions of the *French*, from which they were not ſo ſafe in the inland Places, as in thoſe on the Sea-Coaſt, the *French* not having at this Time any Naval Forces to attack them; they had been taught by the Example of *Deſiderius*, who for not having had the like Precaution, was made a miſerable Priſoner in *Pavia*. In the mean time *Charles*'s Army waſted the Country, and having over-run every where as far as *Capua*, did great Damage to the Fields, eſpecially to thoſe of *Capua*. *Arechis* then preferring the Safety of his Subjects to the Love of his Children, ſent many *Beneventan* Biſhops to treat with *Charles*, and to offer him *Grimoaldus* and *Adelgiſa* for Hoſtages, and to aſk Peace of him. The Conference which the Anonymous *Salernitanus* [4] makes to have paſſed betwixt *Charles* and theſe Biſhops, is ſo entertaining, that it deſerves to be related: The King upbraided the Biſhops as too audacious to appear before him, after they had anointed and put the Crown upon the Head of *Arechis* their Prince, which ſo non-plus'd them, that they knew not what Anſwer to make, but full of Fear, proſtrated themſelves with their Faces on the Ground at his Feet: The merciful King, laying aſide all Wrath, treated them civilly, and made them riſe up; and ſaid to them, *I ſee the Shepherds, but without their Flock*: To which the Biſhops, preſuming too much on *Charles*'s good Nature, did not ſtick to anſwer, *The Wolf came, and has diſperſed the Flock*; the King ask'd who was that Wolf? and they anſwer'd, *Thou art he.* In fine, after a thouſand idle Stories, they intreated him to accept of the Hoſtages, and to give them Peace, in pardoning *Arechis* and his People; but *Charles* reply'd, That he could not put a Stop to the War, having ſworn, that he would live no longer, if he did not ſink his Scepter into *Arechis*'s Breaſt. Then one of them call'd *Rodopertus*, Biſhop of *Salerno*, adviſ'd him to break his Oath, and gave him for an Example that of *Herod*, with which the King was not ſatisfied, but requir'd better Advice of them; the Biſhops ſought to put a Trick upon him, for they promis'd to deliver up *Arechis* to him, provided that after he had fulfill'd his Oath, he would allow him to reign in his Dominions. Whilſt *Charles* was carried from Place to Place by the Biſhops, in order to perform their Promiſe, at laſt they led him into S. *Stephen*'s Church, where they ſhew'd him a very large Picture of *Arechis*, which was in a Corner of the Church: *Behold* Arechis, ſaid they, *whom thou ſeekeſt.* Upon which the King being full of Indignation and Fury, threaten'd to baniſh them into *France* if they did not perform what they had promis'd; but the Biſhops being terrified, proſtrated themſelves anew upon the Ground, began to ask Mercy, and by many Paſſages out of the Scriptures ſought to allay his Wrath; the Anonymous *Salernitanus* relates, that they wrought ſo effectually upon him, that at laſt the inrag'd King going to the Picture of *Arechis*, and ſtriking it ſtrongly with his Scepter, which he had in his Hand, and giving it many Strokes on the Breaſt, and on the Head where the Crown was painted, ſaid, *This ſhall be the Fate of him who ſhall arrogate to himſelf what is not his Due*; which done, the Biſhops proſtrated themſelves again, and begg'd Peace for *Arechis*. *Charles* at laſt, by the Interceſſion of ſo many, granted it. Let who will believe theſe Puerilities; 'tis plain however according to *Erchempertus*, that *Charles* went no further than *Capua*, and that there being ſatisfied with the Hoſtages, he concluded Peace with *Arechis*, and left the Dukedom of *Beneventum* to be govern'd by him. The Conditions were, that *Arechis* ſhould oblige himſelf to pay a yearly Tribute; that *Grimoaldus* and *Adelgiſa*, ſhould remain as Hoſtages; that he ſhould deliver up his Treaſure: All which was agreed to; and *Charles* ſending one of his Gentlemen to *Salernum*, where *Arechis* was, to get them confirm'd, it was immediately done, and the Hoſtages with the Treaſure were conſign'd to the King. After which he return'd to *France*, and carried *Grimoaldus* along with him; but after many Intreaties *Adelgiſa* was reſtor'd to her Father in *Salernum*. And if that be true, as it is moſt certain, that *Charles* went no further than *Capua*, and from thence return'd to *France*, and never came back to theſe Parts, I don't know from whence *Scipio Mazzella* has taken it, that *Charles*, in the Year 802. inſtituted a College in *Salernum*, as he had done in *Paris* and *Bologna*; for this City had never been under his Dominion, but was always a ſafe Refuge for the *Beneventan* Princes during the many Wars which they afterwards had with *Pepin*, whom his Father had left King of *Italy*.

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[1] Pellegr. Capit. Arech. Princ. pag. 309.

[2] Pellegr. cit. hiſt. pag. 73, ad pag. 92.

[3] Erchemp. hiſt. apud Pellegr. n. 2. p. 26.

[4] Hiſt. Princ. Long. apud Pellegr. n. 1. p. 167.

BUT King *Charles* had no ſooner left *Capua*, and return'd to *France*, than *Arechis*, little minding the Pledges given, began to treat of a League with *Conſtantine* Son of *Irene*, Emperor of the Eaſt, and enter'd into a ſtrict Confederacy againſt *Charles*, and ſent Ambaſſadors to *Conſtantinople* to ſeek Aſſiſtance from *Conſtantine*, together with the Honour of Patriciate; and, what was of greater Importance, he demanded of him likewiſe the Dukedom of *Naples*, with all the Places belonging to it, and that he would ſend him *Adalgiſus* his Kinſman, Son of King *Deſiderius*, who, as we have ſaid, retir'd to *Conſtantinople* after his Father had been made Priſoner by *Charles*, with a ſtrong Army; promiſing on his Part to ſubject himſelf to his Empire, which he would not do to *Charles*, and to live after the manner of the *Greeks*, as well in the Tonſure, as Apparel[1].

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[1] Epiſt. 44. Hadriani Pontif.

CONSTANTINE agreeing to his Demand, ſent immediately two Ambaſſadors to *Naples* in order to create him Patrician, who brought him the Mantle of Cloth of Gold, the Sword, the Comb, and the Sandals, that *Arechis* might put them on, and get himſelf ſhav'd as he had promis'd; requiring nothing elſe of him, but that he ſhould give his other Son *Romualdus* as Hoſtage. The Ambaſſadors being arriv'd at *Naples*, were receiv'd by the *Neapolitans* with great Solemnity, *cum bandis, & ſignis*, ſays *Adrian* [1]; but all theſe Deſigns came to nothing by two untimely Deaths. While theſe Things were tranſacting, in the Month of *July* of this Year 787, *Romualdus*, who had been promis'd as Hoſtage to the Emperor, died, whoſe uutimely Death haſten'd that of his unhappy Father, and was never enough to be lamented by the *Beneventans*; *David* their Biſhop caus'd to be engraven on the Tomb erected for him, thoſe Verſes recorded by *Camillus Pellegrinus* [2] in his Book of the Tombs of the *Longobard* Princes. A ſhort Time after this Death follow'd that of *Arechis* his Father, who after having reign'd Thirty Years in *Beneventum*, in the following Month of *Auguſt* in the ſame Year, was ſnatch'd from the *Beneventans*, at a Time when they ſtood moſt in need of him, leaving them in ſo deplorable a Condition, that being without a Head, they were, as ſhall be related, out of cruel Neceſſity forc'd to have recourſe to the good Will of *Charles*, ſubmitting themſelves to him under too hard and heavy Conditions, in order to get him to ſend back *Grimoaldus* whom he had in Hoſtage. The *Beneventans* lamented him bitterly, and erected him a majeſtick Tomb in their City, whither *Paul Warnefride* had gone for Shelter after his Exile, who likewiſe bemoan'd their Misfortune, and extoll'd the ſhining Virtues of this Prince in many Verſes, which we alſo read in *Pellegrinus*. There remain as yet ſome Laws of this Prince, which may be ſeen in his *Capitularia*, printed by the ſame Author; amongſt which we ought not to paſs unmention'd, that by which he prohibited the Houſe-Monks, otherwiſe call'd *Hypocrital Puritans*. King *Luitprandus* had admitted them into his Kingdom, and in one of his Laws [3] commended the Inſtitution. But *Arechis* having perceiv'd that under that Cloke they defil'd themſelves with a thouſand abominable Luſts, forbid the Cheat under ſevere Penalties, and order'd them to be ſhut up in Monaſteries. *Arechis* was a Prince of great Courage and Generoſity, and in him Piety, Juſtice, Fortitude, and all the other Virtues ſtrove which ſhould have the Upper-hand. He with great Magnificence finiſh'd in *Beneventum* the Church of S. *Sophia*, begun by *Gilulphus*. He erected two ſtately Palaces, the one in *Beneventum*, and the other in *Salernum*, ſurrounding that City with high Towers, and very ſtrong Walls. He was a Lover of Learning, and very much careſs'd the learn'd Men of thoſe Times, and had them in great Eſteem and Veneration. He entertain'd *Paul Warnefride* with great Marks of Reſpect, when he fled from *Tremiti*, whither he had been exil'd by *Charles the Great*, and came for ſhelter to *Beneventum*; he receiv'd him graciouſly, and eſteem'd him amongſt the deareſt and moſt faithful of his Friends; wherefore *Paul*, in Token of his Gratitude, compos'd that Elogy, which he caus'd to be engrav'd upon his Tomb.

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[1] Cit. Epiſt. 44.

[2] Cam. Pellegr. de tumul. Princ. Long. p. 234.

[3] Lib. 2. LL. Longob. tit. 37. l. 1.

CHAP.

CHAP. IV.

Of Grimoaldus II. *Prince of* Beneventum, *and of the Wars he maintain'd againſt* Pepin *King of* Italy.

AFTER the Death of *Arechis*, the *Beneventans* ſent Ambaſſadors to King *Charles*, demanding *Grimoaldus*, with great Submiſſion and Intreaties: They arriv'd in Time before the Confederacy which *Arechis* had enter'd into with *Conſtantine* Emperor of the Eaſt had been diſcover'd to the King, of which, not till a Year after, he was adviſ'd by Pope *Adrian*, which he had diſcover'd by the means of a *Capuan* Prieſt call'd *Gregory* [1], for which Cauſe they could bring the King with leſs Difficulty to conſent to their Requeſt of granting *Grimoaldus* for their Prince; but before he departed, he bound him to theſe Conditions: *That he ſhould oblige his* Longobards *to ſhave their Beards; that in Writs, and on the Money his Name ſhould be put firſt, and after it that of* Grimoaldus; *and that he ſhould cauſe the Walls of* Salernum, Acerenza, *and* Conſa *to be demoliſh'd from the Foundation.* The King could have exacted many more, and much harder Conditions from *Grimoaldus* while he was in his Power. *Grimoaldus* being return'd to *Beneventum*, and receiv'd by the *Beneventans* with infinite Gladneſs; for ſome Time he cauſed the Money and Writs paſs with the Name of *Charles*, in order to ſhew him that he deſign'd to perform the Promiſes he had made, and that in theſe Matters he would comply with him, tho' he had no Mind to diſmantle the Cities; and to remove all Jealouſy, after *Charles* had diſcover'd the Treaties of his Father *Arechis*, and the Emperor *Conſtantine* had ſent *Adalgiſus* in the Year 788. into *Sicily* with ſome Troops, that from thence he might go to *Calabria*, and by the Aſſiſtance of the *Beneventans* get himſelf to be proclaim'd King of *Italy*, (the Emperor was likewiſe offended with *Charles*, who had promiſ'd him his Daughter in Marriage, and afterwards refuſ'd to give her) did not only not concur with the Deſigns of *Adalgiſus* his Uncle, but adviſ'd *Pepin* of this Expedition, by which he meant to gain his Favour, and alſo *Hildebrand*'s Duke of *Spoleto* ſent by *Pepin*; the unfortunate *Adalgiſus* after having landed with many *Greeks* in *Calabria*, fighting gallantly was defeated, and amongſt the reſt of the Spoils he became a Prey to the Enemy, who unmercifully put him to a cruel Death by Torture, as *Sigonius* [2] relates. But the Continuator of *Aimoinus* [3], *Maimburg* [4], and thoſe who have read *Theophanes* in *Greek*, write, that it was not *Adalgiſus* that was put to Death by Torture, but *John* General of the *Greek* Army; for this unfortunate Prince made his Eſcape after the Battle, and return'd with a few Followers to *Conſtantinople*, where he liv'd to be an old Man; and at laſt ſubmitting to his Fortune as his Father had done, he paſſed the Remainder of his Life quietly in the Quality of Patrician; and indeed 'tis the uſual Fate of dethron'd Princes, to meet with Pity and Compaſſion from thoſe they have recourſe to, who allow them the empty Title of what they once were; but either for want of Courage or Inclination, when they have it in their Power, never undertake any Thing for their Reſtoration, but enter into other Meaſures which they reckon more advantageous and convenient.

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[1] Epiſt. Adriani, 44.

[2] Sigon. an. 788.

[3] Continuat. of Aimo. lib. 4. cap. 40.

[4] Maimb. hiſt. Icon. lib. 3. an. 775.

NEVERTHELESS tho' *Grimoaldus*, in order to remove all Suſpicion from *Pepin* and *Charles* his Father, by laying aſide all Ties of Blood and Nature, had thus behav'd himſelf, yet he ſtill retain'd the ſame Deſigns with his Father in his Heart, and bent all his Thoughts on putting himſelf in a Condition to be able to govern the Principality of *Beneventum* with an abſolute and independant Authority; he gave over all Thoughts of demoliſhing *Salernum*, *Acerenza*, and *Conſa*, according to the Conditions ſtipulated with *Charles*; by Degrees he left off putting *Charles*'s Name on the Money, and in the Writs; and having married *Wanzia* Niece of the *Greek* Emperor, made himſelf the more ſuſpected. Thus a new War broke out with the *French*, which prov'd of long Continuance, for tho' *Charles* was employ'd elſewhere, *Pepin*, a ſprightly forward Youth, who was King of *Italy*, could by no means ſuffer that abſolute Empire which *Grimoaldus* aſſum'd over the Principality of *Beneventum*; therefore in the Year 793. he march'd with a great Army of *French* againſt him, which ſurrounded him on all Sides, and threaten'd him with a cruel War. Then *Grimoaldus* bethought himſelf of removing all Shadow of Suſpicion, which his having a little before married *Wanzia* could occaſion; he repudiated her, as barren, and, with unheard-of Inhumanity, ſent her back again to *Greece* by Force. But that Diſſimulation and Cunning, was of no ſtead to *Grimoaldus*; for *Charles*, beſides his having commanded *Pepin* to fight him, had likewiſe ſent *Lewis* his Brother to his Aſſiſtance, who went from *Aquitaine* to *Italy*, and having join'd their Forces, they march'd into the Principality of *Beneventum*, where they made War for many Years; and *Erchempertus* [1] relates, that tho' *Charles* and his Sons, whom he had now made Kings, had employ'd their beſt Troops in order to ſubdue *Grimoaldus* and his *Beneventan Longobards*; yet they were not able to put their Deſigns in Execution againſt this gallant Prince: On the contrary, the Plague having ſeiz'd their Armies, they were oblig'd to retire, to their great Reproach. In the Space of ſeven Years, and after ſo many bold and obſtinate Conteſts, in the Years 800 and 801. they were only able to take *Chieti* in *Abbruzzo*, with ſome Places in the Neighbourhood; and tho' the following Year they alſo took *Lucera* in *Puglia*, it was ſoon retaken by *Grimoaldus*, and *Guinichiſus* Duke of *Spoleto*, with all the Garriſon which *Pepin* had left for the Guard of that City, were made Priſoners. In ſhort, all the Time that *Pepin* reign'd in *Pavia*, and *Grimoaldus* in *Beneventum*, *Erchempertus* ſays [2], that there was not one Moment of Peace betwixt them; foraſmuch as theſe two Princes being both young, and bent upon War, each of them thought his Honour ingag'd to carry the Point. *Pepin*, by ſeeing himſelf ſurrounded by ſo many couragious and gallant Captains, and ſo powerful Armies, *Grimoaldus* being ſupported by the Forces of his greateſt Barons, and by the many Cities which he had likewiſe fortify'd and garriſon'd, mock'd the Power of his Enemy, and contemn'd and undervalu'd his Armies. *Pepin* was wont frequently to ſend Ambaſſadors to *Grimoaldus* with this Meſſage: *Volo quidem, & ita potenter diſponere conor, ut ſicuti Arechis genitor illius ſubjectus fuit quondam Deſiderio Regi Italiæ, ita ſit mihi, & Grimoalt*; to which Meſſage *Grimoaldus* anſwer'd in theſe Verſes.

Liber & ingenuus ſum natus utroque parente,
Semper ero liber, credo, tuente Deo.

THUS did *Grimoaldus* check the Boldneſs and Power of the *French* whilſt he reign'd in *Beneventum.* This invincible Prince died in the Year 806, without leaving Male-Children, *Gothofredus* his Son dying before him, whoſe Tomb is to be ſeen in the Church of St. *Sophia* in *Beneventum*, alſo mention'd by *Pellegrinus* [3]. The *Beneventans* after they had bitterly lamented him, as they had done *Arechis*, erected a magnificent Tomb to his Memory, extolling and ingraving on it his heroick and famous Deeds. He was always Victorious both over the *French* and the *Greeks*; and the Verſes upon his Tomb [4] ſhew as yet his Valour againſt the *French*, who never could boaſt of having ſubdu'd him.

Pertulit adverſas Francorum ſæpe Phalangas
Salvavit patriam ſed, Benevente, tuam:
Sed quid plura feram? Gallorum fortia Regna
Non valuere hujus ſubdere colla ſibi.

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[1] Hiſt. Erchemp. num. 5.
[2] Ibid. num. 6.
[3] Pell. Tumul. Pr. Long. pag. 238.
[4] The ſame Author pag. 237.

CHAP.

CHAP. V.

Charles the Great, *from a Patrician became* Roman *Emperor*: *His Election, and what Part Pope* Leo III. *acted in it.*

WHILST the *French* under *Pepin* with ſo much Cruelty and Boldneſs were making War againſt the *Beneventans* under *Grimoaldus*, *Charles the Great*, after having ſubdu'd the *Saxons*, and viſited many Places of his vaſt Empire, at laſt in the Year 795. he ſtopp'd in *Aix la Chapelle*, with which City, on account of the Pleaſantneſs of its Situation, and the Places about it, he was ſo delighted, that he adorn'd it with a magnificent Church; while he was here, the News was brought him of the Death of *Adrian*, which fell out in *Rome* in the Year 796. He was exceedingly lamented by *Charles*, and ſo great was his Grief, that he publiſh'd it by an Elogy which he compos'd himſelf, and caus'd it to be put on his Tomb. He likewiſe heard a little after, that the *Roman* People and Clergy had in his Room elected *Leo* a Cardinal Prieſt, who was call'd *Leo* III. and who notified his Election to him by his Legates, declaring likewiſe his Reſolution of following the Footſteps of his Predeceſſors, in acknowledging none other but him, for his own and the Church's Protector: Moreover, as *Charles* was a Patrician of *Rome*, he ſent him the Standard of the City, with many other Preſents, at the ſame time intreating him to ſend one of the Lords of his Court, to receive from him the Oath of Fidelity, which the People of *Rome* was willing to take to him [1], who a long Time before had begun to ſhake off the Yoke of the *Greeks*, and who intended now to ſet themſelves altogether free of it. *Charles* accepted of the Preſents and the Homage, which the Chief City of the World offer'd him, and he choſe his Son-in-Law *Anghilbertus*, for taking the Oath of the *Romans*, that they would acknowledge him for their Lord: In effect, by Virtue of theſe Treaties which *Leo* had made with *Charles*, the Patriciate was converted into Sovereignty; and from this Time it was, that he exercis'd ſovereign Power in *Rome*, adminiſtring Juſtice by his Commiſſaries, and himſelf, as was judiciouſly obſerv'd by *Peter de Marca* [2]; and beſides that, out of his Royal Bounty and Generoſity, he ſent the Pope by *Anghilbertus* a great Part of the immenſe Treaſure which he had got in the War againſt the *Hunns*, which he had a little before finiſh'd with the Conqueſt of *Pannonia*; and upon Occaſions that offer'd, imitating his Father *Pepin*, he made it his Buſineſs to aſſiſt him in all the Perſecutions which he ſuffer'd, and to protect and advance the Church of *Rome* with all his Might, as he had done by *Adrian* his Predeceſſor. *Paſcal* and *Compolus*, Nephews of *Adrian*, and many principal Lords of that Party, were *Leo*'s Enemies, who took it in ill Part that the new Pope had alter'd many Things done by *Adrian*; and beſides, accus'd him as guilty of many abominable Crimes, but not being able afterwards to ſhew any Vouchers for them, one Day while he was altogether intent on a Publick and ſacred Function, fell upon him, and gave him many mortal Wounds, dragg'd him thorough the Streets, and did what they could to put out his Eyes, and cut out his Tongue; but he defended himſelf the beſt way he could, and being all over Bloody, he was ſhut up in cloſe Priſon in the Monaſtery of S. *Geraſini*; but was afterwards ſet at Liberty by his Partiſans, and *Guinigiſus* Duke of *Spoleto*, who after having convey'd him to *Spoleto*, ſent him with many Biſhops to *Charles*, together with many Noblemen that were willing to bear him Company. He was receiv'd by *Charles* in *Paderbone*, with the ſame Reſpect that his Father *Pepin* had receiv'd *Stephen*, and was treated with exceeding great Honour, and the utmoſt Magnificence; where *Leo* was at full liberty to ſhew his Innocence, and what he had wrongfully ſuffer'd, and wherein he had been falſly accus'd by his Enemies.

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[1] Eginhar. in Annual. A. 796. Sigon. A. 796. Vide Marca de Concor. lib. 3. cap. 11. num. 8.

[2] Marca loc. cit. num. 9.

BUT at the ſame Time the Conſpirators at *Rome*, by the Abſence of the Pope, were become more haughty, and did what they could to baffle *Leo*; they ſent many Accuſations to *Charles*, by which they charg'd *Leo* as guilty of many grievous Crimes. The King thought it beſt to ſend him back to *Rome* with a magnificent Retinue, in order to have a judicial Cognizance taken of the Merits of this Cauſe, and he ſent along with him ten Commiſſioners, two Archbiſhops, five Biſhops, three Counts, and many *Frenchmen*, who were to be Judges of this Affair. The Pope was receiv'd in *Rome* with ſolemn Acclamations, and much Pomp; and when the Charge brought againſt *Leo* by *Paſcal* and *Compolus*, and their Adherents, in order to excuſe their horrible Attempt upon his Perſon, came to be examin'd into, it was found that they could prove nothing of what they had accus'd him of; therefore the Commiſſioners ſent the Accuſers under a ſtrong Guard to the King *Charles*, after having gloriouſly triumph'd over the *Hunns*, was already on his March towards *Italy*, being invited by *Pepin*, who alone could not humble the Pride of *Grimoaldus*, who now govern'd the Principality of *Beneventum* with an abſolute Sway; and being arriv'd in *Italy*, would go in Perſon to *Rome*, in order to try this Cauſe, and to give the Pope that Juſtice which he demanded of him.

CHARLES was receiv'd by *Leo*, the Clergy and People of *Rome*, on the 24th Day of *November*, in the Year 799, with greater Marks of Reſpect and Eſteem than ever had been ſhewn; and this Prince a few Days after his Arrival caus'd an Aſſembly of the Archbiſhops, Biſhops, Abbots, and all the *Roman* and *French* Lords, to meet in St. *Peter*'s Church, and himſelf and the Pope being preſent, he order'd this Buſineſs to be examin'd, and a ſtrict Inquiry made into the Crimes wherewith *Leo* had been charg'd; but on the one hand there appearing no Proof, nor Teſtimony for ſupporting theſe Calumnies; and on the other hand, all the Prelates proteſting, that neither the Holy See, nor the Pope ought to be judg'd by any Perſon, and that it belong'd to himſelf to be his own Judge; then the Pope ſaid, that according to the Example of his Predeceſſors, he was ready to judge himſelf after the ſame manner that they had done more than once; therefore the next Day he mounted the Pulpit, and holding in his Hand the Book of the Holy Evangels, in the Sight of all, by a ſolemn Oath he clear'd himſelf, and loudly proteſted, and ſwore, that he was innocent of all the Crimes laid to his Charge by his Perſecutors. Upon which all the Church eccho'd again with the Acclamations of ſo auguſt an Aſſembly, who receiv'd this Proteſtation and Oath of the Pope as an Oracle, and were fully convinc'd of his Innocence. Thus *Leo* being juſtified in the Opinion of every Body, which was the Thing *Charles* thought of greateſt Importance, the Trial of *Paſcal* and his Accomplices was put off to another Aſſembly.

THIS Pope lying under ſo many Obligations to *Charles*, bethought himſelf how he might be able to make ſuitable Returns [1], and for the Time to come engage the King's Protection and Aſſiſtance to the Church of *Rome*, ſeeing there was nothing to be expected from the Emperor of the Eaſt, but much to be fear'd. For this end he hit upon the beſt Thought that a Man could have imagin'd, to bind this Prince more than ever to the Apoſtolical See; and tho' at that Time it was look'd upon as a Piece of pure Form and Ceremony, it has been ſince interpreted as one of the moſt powerful Claims to the Temporal Dominion over the Catholick World, the Popes can boaſt of; and the Flatterers of that Court have ſo cunningly colour'd and varniſh'd it over, as for many Ages to perſuade all *Italy*, and a great Part of the Weſt, of the Truth of it. The Story was, he rais'd *Charles* from a Patrician, to *Roman* Emperor, which they call'd a Tranſlation of the Empire of the Weſt to the *French*; tho' in reality it added nothing to *Charles* but a more ſpecious and auguſt Title, which *Theodorick* and the other Kings of *Italy* might have aſſum'd, but never minded it.

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[1] Theophanes in Chron.

SOME *French* Writers [1] would have us believe, that *Charles* as little minded this ſpecious Title as *Theoderick* did; and that *Leo*, ſo much beholden to him, was the chief Manager, who concerting the whole with the *Romans*, and the other People who were then in *Rome*, without *Charles*'s Knowledge, proclaim'd him *Roman* Emperor, and put on him the Purple and the Imperial Crown, whilſt he was in the Church celebrating the Feaſt of the Holy Nativity: But let thoſe that are ſimple and ignorant of the Circumſtances which preceded this Action, believe it; 'tis manifeſt that *Charles* upon other Occaſions, which remain upon Record [2], aſpir'd after this Title, which in ſome reſpect was due to his Merit, and the vaſt Empire he had acquir'd partly by Right of Succeſſion, and partly by Arms, as we ſhall ſhew anon.

SURELY the great *Theodorick* King of *Italy*, perhaps with greater Reaſon, might have aſſum'd this Title of Emperor of the Weſt, to which he would likewiſe have obtain'd the Conſent of *Leo* Emperor of the Eaſt; but he, as we have ſaid in the Third Book of this Hiſtory, laying aſide the *Gothick* Dreſs, would not put on the Imperial Diadem, but only the Kingly Enſigns, and would only be proclaim'd King of the *Goths* and *Romans*; and *Procopius* relates, that there was nothing wanting to this Prince but only the Title of Emperor, which he would not aſſume, but in reality he was ſuch, as well with reſpect to the Sovereignty of his Empire, as the Extent of his Dominions. He not only, after the Example of the other Emperors of the Weſt, had fix'd his Seat in *Ravenna*, governing there all *Italy*, but he had likewiſe under his Dominion *Sicily*, *Rhetia*, *Noricum*, *Dalmatia*, with *Liburnia* and *Iſtria*, and a Part of *Suevia*, and that Part of *Pannonia* where *Sigetinum* and *Sirmium* ſtood. He alſo poſſeſs'd a Part of *Gallia*, for which he was often at War with the *French*: And laſtly, as Tutor to *Amalarick*, his Nephew, he govern'd *Spain*; therefore if *Theodorick* had been willing to aſſume this Title, and go to *Rome* to get the Pope, who was his Subject, to crown and anoint him, as the Practice then was amongſt the Chriſtian Princes, it would likewiſe have been ſaid, that the Popes had transferr'd the Empire of the Weſt from the *Romans* to the *Goths*, as is now ſaid of this Tranſlation made to the *French*.

SEEING by this Fact *Charles* acquir'd nothing elſe but the bare Title of *Roman* Emperor, and the *Romans* and the Pope who proclaim'd him, neither did, nor could give him more; 'tis clear that this Title imply'd nothing of Right in it over the other States and Kingdoms of the Weſt, which for a long Series of Years had been under the Dominion of other Princes; we ought to conſider, that a long time before this Prince was call'd Emperor, the *Greek* Emperor had already loſt the Dominion of almoſt all the Provinces of the Weſt, which had paſs'd *Jure Belli*, under the Dominion of other Princes, and of *Charles* himſelf for the greateſt part; ſo that as this Title made him nothing the Richer, neither did it take any Thing from the Emperor of the Eaſt, or the other Princes, in the Kingdoms and States which they poſſeſs'd.

CHARLES had already driven the *Longobards* out of *Italy*, who had been Lords of it, and had ſubjected it to his Empire. *Rome*, which had once been the Seat of the Empire of the Weſt, from the Time of *Leo Iſauricus*, had begun to ſhake off the Yoke; and tho' the *Greeks* had preſerv'd a Shadow of their Dominion in it, yet it was at laſt given to *Charles the Great*, who receiv'd the Oath of Fidelity by *Anghilbertus*, as is recorded by the graveſt Hiſtorians; and before he aſſum'd this new Title, he had exercis'd the Rights of Sovereign in it, which is evident to whoever will but conſider the Accuſations laid againſt *Leo*; for tho' he allow'd the *Romans* to be govern'd by their own Laws, and the ſame Magiſtrates, yet the ſupreme Power was reſerv'd to him as Patrician, and which he afterwards retain'd as Emperor; and tho' the Exarchate of *Ravenna*, which formerly was the Seat of the Emperors of the Weſt, and afterwards of the Exarchs, who were the chief Magiſtrates of the Emperors of the Eaſt in *Italy*, had been taken from the *Longobards*, and given to the Church of *Rome*, yet both *Pepin* and *Charles the Great* retain'd the Right of Sovereignty and chief Dominion in it: In ſhort, almoſt all *Italy*, except theſe our Provinces, was already under the Dominion of *Charles* before he aſſum'd this Title. 'Tis likewiſe certain, that this Prince, both by Succeſſion and Conqueſt, poſſeſs'd as large Dominions in the Weſt, as ever any Emperor had from the Time of the Diviſion of the Empire; for beſides the *Gallia*, in which he reign'd by Succeſſion, as King of *France*, he had conquer'd Part of *Spain*, as far as the *Ebro*. By the ſame Right of Conqueſt he poſſeſs'd *Iſtria*, *Dalmatia*, all *Pannonia* to the Confines of *Bulgaria* and *Thrace*, and likewiſe all *Dacia*, containing *Walachia*, *Moldavia*, and *Tranſilvania*. And tho' he had not that Part of *Spain* on the other Side of the *Ebro*, and that Part of *Africa* which belong'd to the Empire of the Weſt, before the *Vandals*, and a long time after the *Saracens* had poſſeſs'd themſelves of it; yet on this Side he had what the *Romans* could never conquer, to wit, all that vaſt Extent of Country which lies betwixt the *Rhine* and the *Viſtola*, the Northen Ocean and the *Danube*, which is now divided amongſt ſo many Princes, free Cities, and Commonwealths, one Part of which only makes now what we call the *Roman* Empire; and *Eginardus*[1] writes, that the Kings who at that Time reign'd in *Great-Britain*, were ſo ſubmiſſive to him, that in their Letters they always call'd him their Lord, and ſubſcrib'd themſelves his Servants and Subjects.

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[1] Maimb. hiſt. Inconocl.

[2] Sigon. hiſt. Ital. A. 800.

THE Empire then of the Weſt having ceas'd for three Ages, and being divided into ſo many Principalities and Kingdoms, many of which being united in the Perſon of *Charles*, ſome by Right of Succeſſion, and very many by that of Conqueſt, he came to poſſeſs much more in the Weſt than the other Emperors of the Weſt, particularly thoſe from *Honorius* down to *Auguſtulus*; and we ought not to think it ſtrange, that the Subjects of *Charles*, who were properly ſuch, proclaim'd him likewiſe Emperor, and gave him that auguſt Title, very proper and agreeable to his vaſt Empire which he had in the Weſt. In effect, this Title was not only given him by the Pope, who carried on this Affair, and the *Romans*, but likewiſe by all the People of the different Nations that *Charles* brought to *Italy* with him. *Paulus Æmilius*[2], and many other Writers more ancient than he, relate, that this Prince was accompanied into *Italy*, not only by a great many *French* Lords, but alſo by an infinite Number of others of different Nations that were ſubject to him, ſuch as *Saxons*, *Burgundians*, *Teutones*, *Dalmatians*, *Bulgarians*, *Pannonians*, *Tranſilvanians*, and others.

AND it is moſt certain from the ſame Authors, that the third Day after the Cauſe of *Leo* had been diſcuſs'd, being that on which the Birth-Day of our Saviour was celebrated, this Prince went to the Church of St. *Peter*, in order to ſolemnize the ſame with great Pomp, and enter'd the Church attended by the Pope and many Prelates, and *Roman* Magiſtrates, and accompanied by all the *French* and *Roman* Noblemen, with a great Train of other Followers, where he found an infinite Multitude of People, not only *Romans*, but of many other Nations. *Charles* had no ſooner ended his Prayers at the Sepulchre of the Holy Apoſtles, than the Pope, who for that end had ready prepared the Imperial Mantle, and a rich Crown of Gold, made a Signal to the *Roman* Magiſtrates, and the Barons that were about him, who were intent on what he was about to do, and put the Crown upon his Head, and began with all the reſt to cry out: *To* Charles the Auguſt, *crown'd by God, the great and pacifick Emperor of the* Romans, *Life and Victory*[3]; and theſe Words ecchoing from all Corners, the Pope, the Senate, the *Romans*, the *French*, and the mixt Multitude of all Nations, unanimouſly with one Voice, and the ſame Spirit began to cry aloud with all their Strength, the ſame Words, which they repeated three times[4]. After the Acclamation of the People was over, *Leo*, who had prepar'd every Thing for ſo auguſt a Ceremony, gave him the ſacred Unction, which thereafter never any Emperor of the Weſt receiv'd, and cloathed him with a long Imperial Mantle, after the *Roman* Faſhion; he likewiſe anointed *Pepin*, who was preſent at this Solemnity, as King of *Italy*: And after *Charles* had receiv'd from the Pope, the Senate, and all the reſt that were preſent, all the Honours which were wont to be paid to the ancient *Roman* Emperors, by acknowledging him for their Sovereign; he for his Part ſwore, that he would always be the Protector and Defender of the *Holy Roman Church*, to his Knowledge and Power; from that Time forth, laying aſide the Title of Patrician, he took that of *Auguſtus* and Emperor, which he tranſmitted to his Poſterity[5].

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[1] Egin. in vita Caroli magni.

[2] Paul. Æmil. de reb. Franc.

[3] Eginar. A. 801.

[4] Anaſtaſius in vita Leon. III. ab omnibus conſtitutus eſt Imperator Romanorum.

[5] Egin. in annal. more antiquorum principum adoratus eſt, ac deinde omiſſo Patticii nomine, Imperator & Auguſtus appellatur.

BEHOLD what is call'd the Tranſlation of the Empire of the Weſt to the *French*, whence the Popes can infer nothing for ſupporting their high Pretenſions; for tho' *Leo*, as one of the chief Men of the City of *Rome*, had carried on this Affair, to whom it was of greater Importance than to any other Perſon, in order to oblige *Charles* the more to protect his Church, and likewiſe to yield intirely all that his Predeceſſors had gain'd over *Rome*, yet 'tis very well known to thoſe who underſtand the *Auguſtan* Hiſtory, that anciently the *Roman* Emperors were wont to be proclaim'd no otherwiſe. The Acclamations were made by the People and the Soldiers, but the Perſon who was thus to be proclaim'd, was propos'd to them by ſome private Men; therefore no Body dream'd of attributing the Election to thoſe few who propos'd the Perſon, and not to the People and Soldiers who proclaim'd and ſalnted him Emperor; and beſides, thoſe Acclamations denoted not only the preſent, but likewiſe the previous Conſent of the People. Much leſs can they ſupport their Claim by the Coronation and Unction of *Charles* by *Leo*; for we believe it has ever been evident to all the World, that theſe were but pure Ceremonies, and did not in the leaſt belong to the Eſſentials of Empire; at that rate it may be ſaid, that they who perform them, by the very Action give the Empire or Kingdom. Theſe Ceremonies were introduc'd by the Chriſtian Princes, perhaps in imitation of the ancient Kings of *Judea*, who cauſed themſelves to be anointed by the Prieſts; and the firſt who introduc'd them into the Weſt, were the Kings of *Spain*, and thoſe of *France*, follow'd by others afterwards, and thoſe of the Eaſt likewiſe began to uſe them[1]. In *France* the moſt Chriſtian King receives this Ceremony from the Biſhop of *Rheims*. The King of *Spain* from the Biſhop of *Toledo*. The Kings of *Italy* were wont to be anointed and crown'd by the Archbiſhops of *Milan*; thoſe of *England* by the Archbiſhop of *Canterbury*; thoſe of *Hungary* by the Biſhop of *Strigonium*; and other Kings by their own Biſhops: In fine, our *Arechis*, Prince of *Beneventum*, as we have ſeen, would have himſelf anointed and crown'd by his *Beneventan* Biſhops; and he would be void of all Senſe who would ſay, that theſe Biſhops made or appointed ſo many Princes, Kings, or Emperors.

LIKEWISE in the Eaſt in the ſixth Century, the Emperor *Juſtin* made himſelf to be crown'd by *John*[2] Patriarch of *Conſtantinople*; and alſo this Emperor ſix Years after would be crown'd anew by Pope *John*. Many Princes, not once, but many times would have this Ceremony perform'd; *Pepin* Father of *Charles the Great*, cauſ'd himſelf to be anointed, the firſt Time by *Boniface* Archbiſhop of *Mentz*; and three Years after by Pope *Stephen*. *Charles* himſelf was twice anointed and crown'd; and in imitation of his Father, cauſ'd the ſame to be done to his Sons *Pepin* King of *Italy*, and *Lewis* King of *Aquitaine*[3]. Theſe Ceremonies then do not confer Empires or Kingdoms, but ſuppoſe him who uſeth them to be already Emperor or King; in like manner, it would be abſurd to infer from the Oath which *Charles* took, to protect and defend the Church of *Rome* to the utmoſt of his Power, that it was an Oath of Fidelity or Vaſſallage, as ſome have likewiſe dream'd.

BUT as the Popes can draw nothing from this Fact, much leſs can *Charles* himſelf, or the other Emperors his Succeſſors, reap any Advantage from ſo auguſt and ſpecious a Title, with reſpect to other Princes that were not ſubject to him. No Right could accrue to him anew with regard to others; and therefore thoſe Princes retain'd their Kingdoms free and independent, whence with Reaſon they reckon themſelves true Monarchs, and their States as true Monarchies: Therefore the Kings of *Spain*, as being always free and abſolute Lords of their Dominions, value themſelves juſtly on their Kingdom's being a Monarchy, in no reſpect ſubject to the Empire of the Weſt. *Cujacius*[4], and ſome *French* Writers ſay, that the Kingdom of *England* once acknowledg'd itſelf as Feudatory to the Empire, but *Arthur Duck*[5], and other *Engliſh* Writers, conſtantly deny it. *Charles* himſelf, and all the other Emperors his Succeſſors, exercis'd Sovereign Authority in *Italy*, not by Virtue of the Imperial Title, but as King of *Italy*, which he and his Succeſſors were, and therefore cauſ'd themſelves to be proclaim'd ſuch in *Milan*, and anointed and crown'd ſuch by the Archbiſhop of that City; and they added their own to the *Longobard* Laws, not as Emperors, but as Kings of *Italy*, and Succeſſors to the *Longobard* Kings. *Charles* had a Deſign, as *Paulus Æmilius* relates [1], of uniting *France* to the Empire, and of ſubjecting her to its Laws; but the Grandees of *France* abhorr'd ſuch an Union: *Cur milites tuos*, ſaid they, *Regnum tuum*, *Franciam tuam*, *Imperii Provinciam facere ſtudes*, *Imperioque ſubjicere?* Whence the *French* pretend, that the Empire was rather a Member of the *French* Monarchy, than *France* of the Empire.

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[1] V. Mars Gallicus of Alex. Patric.

[2] Epiſt. Jo. ad Harmiſdam. V. Du Pin. de Ant. Eccl. Diſc.

[3] V. Patric. in Marte Gallic.

[4] Cujac. lib. 1. de Feud. tit. 1.

[5] Arth. Duck, de Uſu & Auct. I. R. lib. 2. par. 3. num. 1. c. 8.

HOWEVER that may be, with regard to our Purpoſe, 'tis worthy of Obſervation, that *Charles the Great*, notwithſtanding his auguſt Title of Emperor, gain'd nothing over our Dukedom of *Beneventum*, or that of *Naples*, or over that which the *Greeks* yet retain'd in theſe our Provinces; whence it is, that this Kingdom was always reputed diſtinct from, and independent of the Empire newly ſtarted up in the Weſt, and therefore juſtly boaſts of the Honour of a true Monarchy. Though *Charles the Great* was now become more auguſt than ever, both in Titles and noble Actions, yet *Grimoaldus* Prince of *Beneventum*, would not ſubject himſelf to his Empire. The War made by him and *Pepin* his Son againſt *Grimoaldus*, was now more obſtinately and cruelly proſecuted than ever; and *Grimoaldus* boldly vow'd that he would continue free as he was born, and always reſiſted the *French*, as he did *Pepin* who had undertaken to humble him, and, tho' in vain, to reduce *Beneventum* under his Obedience. And not only the People of thoſe Cities of our Kingdom, that had continu'd under the Empire of the *Greeks*, did not acknowledge *Charles* for *Roman* Emperor, looking upon that Title as belonging to the Emperor of *Conſtantinople*; but the *Beneventans* themſelves were of the ſame Mind, ſo that the Anonymous *Salernitanus* did not deſerve thoſe Reproaches from *Pellegrinus*, becauſe in his Hiſtory, ſpeaking of thoſe Biſhops who gave that Title to *Charles the Great*, he ſays, they gave it him, becauſe all his Courtiers and Followers call'd him ſo; for, ſays he, none can be call'd Emperor, but he who governs the *Roman* Kingdom, that is to ſay, the *Conſtantinopolitan*; and the Kings of *France* at that Time uſurp'd this Title, which formerly they never claim'd [2]; a Title which for a long Series of Years was always diſputed with *Charles*'s Succeſſors, by the Emperors of the Eaſt; for tho' the Empreſs *Irene*, and afterwards *Nicephorus*, had entred into an Alliance with *Charles*, and in ſettling the Bounds of the two Empires, in order to eſtabliſh fix'd Limits, and remove all Occaſion of Diſpute, had reckon'd upon having the Principality of *Beneventum* as a Boundary and Barrier, and by the Treaty concluded betwixt them, had confirm'd the Title of Emperor to *Charles the Great*: nevertheleſs the Emperors of the Eaſt, Succeſſors to *Nicephorus*, broke thro' all theſe Treaties, and made War againſt his Succeſſors, not only for the Provinces, which they pretended had been taken from their Empire, but alſo for this Title of Emperor, which by no means they would allow them; neither were they ever nam'd Emperors, or Kings of *Italy* by them, but only Kings of *France*. On the contrary, the Emperor *Baſilius*, having had ſome Letters brought him by the Legates of Pope *Adrian* II. in which King *Lewis* call'd himſelf Emperor, he order'd the Title of Emperor to be raz'd out of them, and ſent an Ambaſſador to *Lewis*, whom he exhorted by his Letters, that for the future he would abſtain from taking the Title of Emperor; but *Lewis* anſwer'd the Complaints of *Baſilius* by a very grave and bold Letter, which is recorded by *Baronius* [3] in his Annals, and by *Frederick Morelli* [4], in his Notes on the *Themata* of *Conſtantinus Porphyrogenitus*, who likewiſe imitating the Example of *Baſilius* his Grandfather, never gave the Title of Emperors to the Succeſſors of *Charles*, but call'd them ſimply Kings of *France*. Theſe our Provinces then continu'd, from the Time of the Riſe of this new Empire of the Weſt, disjoin'd from, and independent of the Empire, while it was govern'd by the *French*, and much more when it was confin'd to a part of *Germany*, and fell into the Hands of the *Germans* and other Nations, as ſhall be clearly ſhewn in the Courſe of this Hiſtory.

CHARLES, at the Interceſſion of *Leo*, having ſent his Accuſers into Exile, (tho' they had been condemn'd to Capital Puniſhment) ſpent the Beginning of this

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[1] Paul. Æmil. lib. 3. in Car. M.

[2] Anon. Salern. apud Pelleg. par. 1. num. 2. pag. 170. Imperator quippe omni modo non dici poteſt, niſi qui in Regno Romano præ eſt, hoc eſt Conſtaninopolitano.

[3] Baron. in tom. 10.

[4] Fred. Morelli in not. lib. 2. Th. 11.

Year 801. in *Rome*, and in the Month of *April* left that City, and went to *Pavia*, where to the Edicts of the *Longobard* Kings his Predeceſſors he added new Laws, more ſuitable and neceſſary to the preſent Circumſtances of *Italy*. He made many other Laws concerning Eccleſiaſtical Matters; and after the Cuſtom of *France*, before he publiſh'd them, he not only conven'd the State of the Nobles, Magiſtrates and Judges, as the *Longobards* uſed to do, but likewiſe the Eccleſiaſtical State of Biſhops, Abbots, and other Prelates of the Church; for at this Time the third State of the Kingdom had not as yet any Share in the Publick Affairs and Deliberations in *France* [1]. Theſe his Laws, which he eſtabliſh'd in *Pavia* as King of *Italy*, are to be read as yet in the Code of the Monaſtery of the Cave, after the Edicts of the other *Longobard* Kings his Predeceſſors; whence it is, that in the three Books of the *Longobard* Laws, the Compiler of them has likewiſe inſerted ſome of thoſe, amongſt which there's one [2], wherein not only the *Romans*, but alſo the *Longobards*, hadt heir Laws left intire to them; and *Charles Sigonius* [3] declares, that theſe Laws are likewiſe preſerv'd in *Modena*, the Preamble of which he relates to be ſuch as thoſe which the *Longobard* Kings were wont to put before their Edicts. What the *Goths* and *Longobards* call'd *Edicta*, the *French* call'd *Capitularia*. They were ſo call'd, becauſe, as *Doviat* [4] ſays, they were diſpos'd into Chapters or Heads. And after their Example other Princes likewiſe call'd their Laws *Capitularia*: Our *Longobard* Princes, however cruel and obſtinate Enemies they were to the *French*, yet they did not think it below them to imitate them in that; whence the Laws that were eſtabliſh'd in the Principality of *Beneventum*, by theſe Princes, were call'd *Capitularia*; and therefore we read in *Camillus Pellegrinus*, the *Capitularia* of *Arechis*, *Sicardus*, *Radelchiſius*, *Adelchis*, and other *Beneventan* Princes.

CHARLES not only left the *Roman* and *Longobard* Laws intire, but as far as the Circumſtances of thoſe barbarous and dark Times could bear, he endeavour'd to reſtore the *Roman* Juriſprudence to ſome Luſtre. In doing of which he did not conſult the Books of *Juſtinian*, which at that Time were little known, and of leſs Authority in the Weſt, but the *Theodoſian* Code and its Compend compil'd by *Alarick*; and tho' his Application to military Affairs, the want of Profeſſors, and the Ignorance of the Age, hinder'd him from accompliſhing his Deſign, yet he corrected, the beſt way he could, the Compend of *Alarick*, from which the *Roman* Law was quoted in the Courts before the Judges.

PEPIN King of *Italy* follow'd the Example of his Father; we have as yet his *Capitularia* [5], which he publiſh'd as King of *Italy*, which likewiſe, after the Edicts of the *Longobard* Kings, we read in the abovemention'd Code of the Monaſtery of the Cave; and we find many of his Laws extracted from it, inſerted in the Volume of the *Longobard* Laws [6]; whence we clearly ſee, that the Laws which *Charles*, and the other Emperors of the Weſt his Succeſſors, eſtabliſh'd as Kings of *Italy*, and which are inſerted in the Body of the *Longobard* Laws, had Force and Vigour in *Italy*, not becauſe they were made by them as Emperors, but as they were Kings of *Italy*. Thus *Pepin*, who never was Emperor (therefore theſe Inſcriptions in the Volume of the *Longobard* Laws ought to be corrected, which ſome of his Laws bear, of *Imperator Pipinus*) but made King of *Italy* while his Father *Charles* was alive, made his Laws, which were in full Force there (as being only King) and they were reckon'd amongſt the *Longobard* Laws of the Kings of *Italy*.

PEPIN died about the End of the Year 810, after *Charles* his Father had concluded Peace in *Aix la Chapelle*, with *Nicephorus*, and he died very young, at the Age of Thirty-three, in the 29th Year of his Reign, leaving only one natural Son call'd *Bernard*, about twelve or thirteen Years old, who two Years after was by his Grandfather created King of *Italy*.

ABOUT the End of the Year 811, *Charles*, eldeſt Son of the Emperor, likewiſe died, to whom his Father had deſign'd to have given *France*, with *Touraine*, and a Part of the Kingdom of *Burgundy*: He left no Children; ſo that of three Sons which he had deſign'd as Succeſſors in his Dominions, there remain'd only *Lewis* King of *Aquitaine*; therefore he made him his Collegue in the Empire, and cauſ'd him to be crown'd in *Aix la Chapelle*, in the Month of *September* of the following Year 813. At laſt the Invincible *Charles* likewiſe died, in the 70th Year of his Age, and the 47th of his Reign, a Prince who fill'd the World with his Fame, and who deſervedly acquir'd the Surname of *Great*; he died in *Aix la Chapelle*, in the Year 814, the 28th Day of *January*, leaving for Succeſſor in the Empire, and Kingdoms of *France*, *Aquitaine*, and *Germany*, *Lewis* his Son, ſurnam'd the Pious or Good, and *Bernard* his Grandchild King of *Italy*.

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[1] Loyſeau des Ordres, pag. 48.

[2] Lib. 2. tit. 57. l. 1.

[3] Sigon. ad an. 801.

[4] Doviat. hiſt. Jur. Civ. pag. 60. The Capitularia of Charles the Great, and the Collections made by Anſegiſus, Benedict. Levita, and others are to be ſeen in Balutius, tom. 1. Van Eſpen. in hiſt. Jur. Can. Struv. cap. 6. hiſt. Jur. German. §. 10, 11, & 12.

[5] Extat. Capitulare Pipini Regis Italiæ dat. anno 793. apud Balutium tom. 1. pag. 533. Ejuſdem Capitula excerpta ex lege Longobard. p. 541.

[6] Lib. 2. tit. 57. l. 2. & tit. 59. l. 3. & 4.

CHAP. VI.

Of Grimoaldus II. Sico, *and* Sicardus, *Princes of* Beneventum, *and the Peace which they made with the* French, *and of their Wars with the* Neapolitans.

IN the mean time, by the Death of *Grimoaldus*, which fell out in the Year 806, without leaving Male-Iſſue (*Gottifredus* having died before him) another *Grimoaldus* was advanc'd to the Principality of *Beneventum*, who had been his Treaſurer; therefore *Sigonius* made a palpable Error in reckoning theſe two but one *Grimoaldus*. This was a Prince of a very different Genius from that of his Predeceſſor, of a courteous Behaviour, and much inclin'd to Peace, who in order to free his State from the continual Incurſions of the *French*, reſolv'd to agree upon a ſettled Peace with them; and *Pepin* being dead, for that end he ſent Ambaſſadors to the Emperor, who had not as yet declared *Bernard* his Grandchild King of *Italy*. *Charles*, who was at this Time employ'd againſt the Rebels in *Britany* and the *Sclavonians*, hearken'd to it, and contenting himſelf with the Tribute offer'd by *Grimoaldus*, concluded a Peace with him [1]. From this Time forth the Principality of *Beneventum* continu'd Tributary to the Emperors of the Weſt as Kings of *Italy*, and the *Beneventans* were for a long time in Peace with the *French*.

ON the other hand *Grimoaldus* gave Peace to the *Neapolitans*; theſe two People the *Beneventans* and *Neapolitans* were almoſt always diſputing together, and being Rivals and Neighbours, never wanted Pretexts for War. This Prince made Peace betwixt them; but his Deſtiny had ordain'd, that it ſhould not be of long Duration, by an Occaſion which we ſhall relate. At this Time the Dukedom of *Naples* was govern'd under the Emperor *Leo*, ſurnam'd the *Armenian*, by *Theodore* Duke and Maſter of the Soldiers, who having made Peace with *Grimoaldus*, manag'd the Dukedom with the utmoſt Eaſe and Tranquillity; but a noble *Beneventan* call'd *Dauferius*, and on account of a Defect in his Speech, ſurnam'd the *Stammerer*, of a turbulent Nature, and an ambitious Temper, diſturb'd this ſettled Tranquillity, and baſely conſpir'd againſt *Grimoaldus*, who had a great Eſteem for him, and reſolv'd to throw that Prince into the Sea [2], as he croſs'd a Bridge near to *Salernum*; but the Conſpiracy being diſcover'd, and he having paſs'd the Bridge ſafely, the Conſpirators were immediately impriſon'd: *Dauferius*, who was not preſent, hearing of it, forthwith fled to *Naples*, where he was made welcome by the *Neapolitans*, and

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[1] Hiſt. Erchemp. num. 7.

[2] Ibidem, num. 8.

Duke *Theodore* took him under his Protection. At which Prince *Grimoaldus* was very much offended, whereupon in order to revenge himſelf of the Injury, he quickly aſſembled, the beſt way he could, both his Land and Sea-Forces, and march'd towards *Naples*; and being come near the Walls, he ſaw a Multitude of People in Arms ready to repulſe him. Then *Grimoaldus*, inflam'd with Indignation and Revenge, reſolv'd to fight them. The Battle was cruel both by Sea and Land, and the Slaughter of the *Neapolitans* ſo great, that for upwards of ſeven Days, the Water on the Sea-ſhore was ſtain'd with the Blood of the Dead; *Erchempertus* relates [1], that in his Time, the Graves where the Heaps of the dead Bodies of the kill'd had been laid, were to be ſeen, Five thouſand having been kill'd on the Spot in this Battle; only Duke *Theodore*, and the infamous *Dauferius* made their Eſcape by flight; and being purſu'd, they at laſt got within the Walls of the City; but they were not quite out of Danger there, for tho' they were full of Rage, and had their Arms in their Hands, the *Neapolitan* Women, whoſe Husbands had been kill'd in the Battle, fell upon them, calling them infamous Traytors, and bidding them reſtore their Husbands, who by their means had been kill'd in the unjuſt War againſt the *Beneventans*.

IN the mean time *Grimoaldus* purſu'd the Runaways till he came to the *Capuan* Port, and finding it ſhut, ſtruck it with his Rapier, there being none there to reſiſt him. The *Neapolitans* having lock'd all the Ports, ſhut themſelves up in the City, deſigning to defend themſelves the beſt way they could. In the mean time the Duke having quieted the Tumults, and ſilenc'd the Clamours of the Women, began to ſollicite for Peace; and ſo great was his Cunning and Influence, that he prevail'd with *Grimoaldus*, a mild and merciful Prince, to conſent and be ſatisfied with 8000 Crowns of Gold, as a Ranſom, and that *Dauferius* ſhould be deliver'd to him; and ſo great was his Clemency, that he not only pardon'd all his Treaſon and Villainy, but likewiſe receiv'd him into his former Favour.

BUT this was not the laſt Misfortune that this Prince's Fate had carv'd out for him; for altho' he had eſcap'd this Conſpiracy, yet a few Years after another irreparable one was hatch'd, in which the Conſpirators at laſt prevail'd in murdering him. The Heads of this Conſpiracy were *Radechis* Count of *Conſa*, and *Sico Caſtaldus* of *Acerenza*. *Sico* was a Man of great Authority in *Spoleto*, and for having oppos'd the Deſigns of *Pepin*, was in Diſgrace with him; ſo that being afraid of him, he retir'd to *Beneventum*, as a ſafe Sanctuary, where he was kindly receiv'd by Prince *Arechis*, who made him *Caſtaldus* of *Acerenza*, and entertain'd him with ſo much Affection and Favour, that he put him in hopes of being made his Succeſſor [2]: *Grimoaldus* his Son likewiſe lov'd him; but afterwards he ſeeing this *Grimoaldus* II. preferr'd to himſelf, he bore it very impatiently, becauſe he aſpir'd to the Principality; and having join'd with *Radechis*, they ſurpriz'd this unhappy Prince, whom they kill'd in the Year 817, and *Radechis* managing the whole, *Sico*, tho' a Stranger, was by the *Beneventans* advanc'd to the Principality of *Beneventum*. *Radechis* afterwards repenting of ſo great a Villainy, became a Monk in *Monte Caſſino* [3].

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[1] Erchemp. num. 8.

[2] Tumul. Sicon. apud Pellegrin.

[3] Erchemp. num. 9.

SECT. I.

Of SICO IV. *Prince of* Beneventum.

SICO the IVth Prince of *Beneventum*, in order to govern with the more Security, and extend his Principality by incroaching on the *Neapolitans*, in the firſt Year of his Reign renew'd the Peace formerly made by *Grimoaldus* with the *French*; and in this Year 818. he confirm'd it with *Lewis the Good*, who, by the Death of *Bernard*, had likewiſe ſucceeded in the Kingdom of *Italy*, and promis'd to pay him Tribute. Afterwards, out of his turbulent and ambitious Temper, he made a ſharp and cruel War with the *Neapolitans*; in the mean time he aſſum'd *Sicardo* his Son for Collegue, who married the Daughter of *Dauferius* [1].

'TIS ſaid the Pretence for this War was, becauſe the *Neapolitans* had drove away their Duke *Theodore*, his intimate and dear Friend, and had elected *Stephen* in his Room. He inveſted *Naples* both by Sea and Land with a cloſe Siege, and having beat down a part of the Walls towards the Sea, was already preparing to enter at that Breach in Triumph; and he certainly would have ſucceeded at this Time in ſubjecting *Naples* to his Principality, which none of his Predeceſſors ever could accompliſh, if the Craftineſs and Deceit of Duke *Stephen* and the *Neapolitans* had not prevented him; for the Duke having deſir'd Peace of him, by offering to deliver up the City, which had already yielded to the Conqueror, begg'd him to delay his Entry till the next Morning, when he would be in a Condition to make a more glorious and triumphant Entry [2]; and that *Sico* might give Credit to what he ſaid, he ſent him as Hoſtages, dear enough Pledges, his own Mother, and his two Sons. *Sico* believ'd him, and the next Morning, whilſt he was preparing to enter the City in Pomp and Triumph; the *Neapolitans* having in all haſte in the Night-time repair'd the Wall, appear'd very early ready to defend it. *Sico* and *Sicardus* his Son mightily inrag'd, batter'd the City more furiouſly and obſtinately, in order to oblige it to ſurrender; but the *Neapolitans* equally obſtinate, repuls'd the Attacks with the ſame Boldneſs and Fury, ſo that for a long time after, this War continu'd much more bloody and cruel. The *Neapolitans*, forc'd by cruel Neceſſity, and ſeeing themſelves in the utmoſt Danger, at laſt thought of having recourſe to foreign Aſſiſtance; that of the Emperor of the Eaſt was at a great Diſtance, who being ingag'd in other Undertakings, thought of nothing leſs than of aſſiſting the *Neapolitans*: Therefore having reſolv'd to have recourſe to the *French*, they applied themſelves to the Emperor *Lewis*, who ſent them Aſſiſtance, and tho' but ſmall, yet it was ſuch, that for ſome time they were able to defend themſelves, and render all the Attempts of *Sico* fruitleſs. But the Aſſiſtance of foreign Princes being ſo precarious, and apt to be withdrawn on any emergent Occaſion of their own; and beſides, perceiving that the Boldneſs and Obſtinacy of *Sico* was not in the leaſt abated; the *Neapolitans*, not able to hold out the Siege any longer, by the Means of their Biſhop *Orſo*, endeavour'd to obtain Peace from *Sico* on the beſt Terms they poſſibly could. This Prelate took ſo effectual Methods, and us'd ſuch Intreaties, that he brought *Sico* at laſt to grant it on theſe Conditions; That from thenceforth the *Neapolitans* ſhould pay a yearly Tribute to the Princes of *Beneventum*, which they call'd *Collatam*; and that the Body of S. *Januarius* the Biſhop, who had been a *Beneventan*, that was kept in the great Church of this Saint, without the Walls, and which *Sico* had already taken, ſhould be carried to *Beneventum*. The Conditions were agreed to, and Hoſtages given; the Duke and the *Neapolitans* with a ſolemn Oath promiſing to pay the yearly Tribute agreed on betwixt them. Thus did the Dukedom of *Naples* become Tributary to the Principality of *Beneventum*, as it continu'd to be for many Years after under the ſucceeding Princes. *Sico* return'd to *Beneventum*, whither with great Rejoycing he carried the Body of S. *Januarius*, which was worſhipp'd there for a long time [3]. Others add, that Duke *Stephen* was chas'd from *Naples*, and by the Means of *Sico* was kill'd by the *Neapolitans* themſelves, who in his Room created *Bonus* their Duke.

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[1] Pellegr. in Stemm. Princ. Salern.

[2] Erchemp. num. 10.

[3] Erch. apud Chioc. de Epiſc. Neap. A. 818. Princeps Sico S. Januarii Martyris Corpus, de Baſilica, ubi per longa temporum ſpatia requievit, elevans, & cum magno tripudio Beneventum regreditur.

SECT. II.

The firſt Invaſion of the Saracens *into theſe our Provinces.*

ABOUT the ſame Time (as *Erchempertus* a Contemporary Writer relates) the Incurſions of the *Saracens* into theſe our Provinces began, who coming from *Africa*, like Swarms of Bees infeſted *Sicily*, and after having taken *Palermo*, and laid waſte the Cities and ſtrong Holds of that Iſland, they croſs'd the Sea, and landing firſt in *Taranto*, they attack'd theſe Countries, and occaſion'd the ſo many Revolutions and Confuſions, firſt among the *Greeks*, and then among the *Beneventan Longobards*, which miſerably afflicted theſe our Provinces.

'TIS certain the *Saracens* are come of thoſe *Arabs*, who were the Off-ſpring of *Iſhmael* the Son of the Servant-Maid *Hagar*, for which they were call'd *Iſhmaelites*, or *Hagarens*; therefore in order to conceal this their Origin, with which they were reproach'd, they took a more honourable Name, and call'd themſelves *Saracens*, as if *Iſhmael* their Forefather had been come of *Sarah* the Wife of *Abraham*; ſo ſays a *Greek* Author [1]; tho' the Learned in the *Arabian* [2] Language and Hiſtory, reckon that the *Arabians* took this Name from one of the moſt noble Parts of their Country nam'd *Sarac*. Others have ſaid, that the *Arabs* took the Name of *Saracens* from their Paſtoral and Vagrant manner of Life, which they led in the Fields among the diſmal Sands of *Beriara*, and as their Paſture fail'd, chang'd their Habitations.

BEFORE *Mahomet* they were divided into many ſmall Kingdoms, and likewiſe profeſs'd different Religions; ſome of them had embrac'd *Judaiſm*, others were *Samaritans*, there were alſo ſome Chriſtians among them, and the greateſt Part were Pagans. But after this Impoſtor, in the Year 623, had publiſh'd his Law, and with force of Arms eſtabliſh'd it, they all receiv'd it at laſt, and ſubjected themſelves to his Empire, acknowledging him not only for their Lord and Maſter, but likewiſe their Prophet.

AFTER the Death of this famous Impoſtor, which fell out in the Year 632, the *Arabian* Princes his Succeſſors, invaded the Provinces of the Empire, and in a few Years made themſelves Maſters of *Paleſtine*, *Judea*, *Syria*, *Phenicia*, and *Egypt*. Afterwards they ſubdu'd *Meſopotamia*, *Babylonia*, and *Perſia*; whereupon being become more powerful and formidable, they added *Armenia* to their Dominion, from whence they ſpread themſelves over *Aſia Minor*; and having likewiſe made themſelves powerful at Sea, they conquer'd the Iſlands of *Cyprus* and *Rhodes*: On the other hand towards the South, having gone from *Egypt* into *Africa*, they drove the *Greeks* out of it, and at laſt took *Carthage*. From whence in a very ſhort time, having made themſelves Maſters of the whole Country, and being reinforc'd with an innumerable Multitude of *African Moors*, who embrac'd *Mahometiſm*, they laid hold of the Opportunity which preſented itſelf of invading *Spain*.

HAVING likewiſe gone from *Africa* to *Sicily*, in the Year 820, they waſted that Iſland, burnt, pillag'd, and carried off the Chriſtians into Slavery. They ſpread the Laws of the *Alcoran* over all the conquer'd Provinces: From *Abubeker*, *Ali Mortoza*, *Omar*, and *Odonan*, who were the immediate Succeſſors of *Mahomet*, and the Explainers of his *Alcoran*, ſprung the four Sects; the firſt was embrac'd by the *Arabs* and *Moors*; the ſecond by the *Perſians*; the third by the *Turks*; and the fourth by the *Tartars*.

FROM *Sicily* they landed at *Taranto*, from whence they drove the *Greeks*, and fill'd that Province with Terror and Confuſion; but the Calamities were greater, when, by the inteſtine Broils of our Princes, they were made their Auxiliaries, which ſpread Ruin and Deſolation over all, as we ſhall relate hereafter.

IN the mean time the Emperor *Lewis* in a general Meeting held in *Aix la Chapelle*, in the Year 817, having aſſociated *Lothaire* his eldeſt Son in the Empire, and alſo declar'd him King of *Italy*, to his other two Sons, *Pepin* and *Lewis*, he gave

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[1] Sozom. lib. 6. c. 38.

[2] Abrah. Echel. hiſt. Arab. cap. 3, & 5.

Aquitaine and *Bavaria*. He afterwards confirm'd that Partition in another Meeting held in *Nimeghen* in the Year 821; but this Partition having occaſion'd great Diſcord in the Royal Family, the Empire became ſo weaken'd, that at laſt having departed from the *French*, it was confin'd to a part of *Germany*, under Princes of other Nations. Beſides, *Lewis* after having divided his Dominions among his ſaid three Sons, born to him by *Hermengarda*, he married *Judith* his ſecond Wife, and had by her another Son nam'd *Charles*, to whom by her Perſuaſion he aſſign'd *Germany*, *Rhetia*, and *Burgundy*; which ſo diminiſh'd the Shares of the reſt, that it bred ill Blood, which was the Ground of the cruel Wars they made againſt their own Father and their Mother-in-Law, which turn'd not only *France*, but likewiſe *Germany* topſy-turvy. Afterwards the Death of *Pepin* King of *Aquitaine*, which happen'd in the Year 838, put the Empire again in Confuſion, which had been for ſome time in Peace and Quiet; he having left two Sons *Pepin* and *Charles*, the Empreſs *Judith* had reſolv'd to deprive them of the Kingdom of *Aquitaine*, and divide it betwixt her Sons *Charles* and *Lothaire*, without giving any Part of it to *Lewis* of *Bavaria*. But *Lewis* putting himſelf at the Head of his Army, endeavour'd to fruſtrate her Deſigns; and on the other hand the *Aquitanians* proclaim'd one of the Sons of *Pepin* their King; and on the contrary the Emperor *Lewis* came and made them acknowledge *Charles* for their King, in an Aſſembly held in *Clermont*; afterwards having left his Wife and Son *Charles* in *Poitiers*, he went to *Aix la Chapelle*, from whence he enter'd *Thuringia*, and oblig'd *Lewis* to retire to *Bavaria*. He afterwards call'd a Meeting in *Wormes*, where he fell ſick, and having caus'd himſelf to be tranſported to an Iſland over-againſt *Ingolheim*, near to *Mentz*, he died there the 20th of *June* in the Year 840, and before he died he ſent to *Lothaire* the Sword and Scepter, the Enſigns of the Imperial Dignity, which he renounc'd in his Favour.

WE have as yet remaining ſome of the *Capitularia* of the Emperor *Lewis the Pious*, as King of *Italy*, which he added to thoſe of *Charles the Great* his Father, and the Edicts of the other *Longobard* Kings of *Italy* his Predeceſſors; and we find them in the foremention'd Code of the Monaſtery of the Cave, with thoſe of *Lothaire* his Son and Succeſſor in the Empire, and Kingdom of *Italy*, which were eſtabliſh'd in the Pontificate of Pope *Eugene* II. *Stephen Balutius* collected many other *Capitularia* of *Lewis the Pious*, which as Emperor he made in *Aix la Chapelle*; neither did he forget thoſe, which he eſtabliſh'd as King of *Italy*, and which are reckon'd among the *Longobard* Laws[1].

IN the mean time, tho' our *Beneventan* Princes, had made this Peace with the *Neapolitans*, it was not long before they broke it anew, by committing Acts of Hoſtility. *Sico*, under pretence that the *Neapolitans* were backward in paying the Tribute, renew'd the War, which continu'd all his Days. *Sico* died in the Year 832, after having reign'd fifteen Years in *Beneventum*; and the *Beneventans* erected him a magnificent Tomb, which they plac'd before the Door of the Cathedral Church of *Beneventum*, on which in many Verſes they extol his glorious Deeds, which we read likewiſe in *Pellegrinus* amongſt the Monuments of the other *Beneventan* Princes[2].

[1] Balut. tom. 1. pag. 561, & 689.

[2] Pellegr. Tumul. Princ. Longob. p. 239.

SECT. III.

Of SICARDUS *Vth Prince of* Beneventum.

SICARDUS his Son, who during his Father's Life-time was Partner in the Government, ſucceeded in the Principality: Now that he reign'd alone, he had a mind to exceed his Father far in Cruelty. He proſecuted the War againſt the *Neapolitans* under pretence that they did not pay the Tribute, who however made ſuch Reſiſtance under *Bonus* their Duke, who had ſucceeded to *Stephen*, that the *Beneventans* having fortified themſelves in *Acerra* and *Atella*, they raz'd theſe Forts, and put the Garriſons to flight. During the ſhort Reign of *Bonus*, which laſted only one Year and a half, under the Empire of *Theophilus*, who by the Death of *Michael the Stammerer*, his Father, govern'd at this Time in the Eaſt, the Affairs of the *Greeks* in theſe our Provinces and in *Lombardy*, on this Side of the *Tyber*, went on very proſperouſly [1]; but this Duke dying in the Year 834, the *Neapolitans* were under as great Diſtreſs as ever, therefore they lamented ſo great a Loſs, and for a Monument of their Grief they erected him a magnificent Tomb, on which in Acroſtick Verſes they mightily extoll'd his Virtues, and his exceeding Valour, in having repuls'd the *Beneventans*, tho' formidable, and much ſuperior in Forces to the *Neapolitans*, and in having driven them out of *Atella* and *Acerra*, Places which they had ſo well garriſon'd and fortified. This Tomb is yet to be ſeen in *Naples* in the Church of S. *Mary*, on the Market-Place of the Ward of *Forcella*, and which is alſo recorded by *Chioccarelli* [2], and by *Pellegrinus* in the Hiſtory of the *Longobard* Princes. Ater the Death of *Bonus*, *Leo* his Son was created Duke, who govern'd the Dukedom of *Naples* only ſix Months, being driven out by *Andrew* his Father-in-Law.

BUT as the *Neapolitans* enjoy'd only for a ſhort while the ſo many Virtues of *Bonus*, ſo on the contrary, the *Beneventans* for a long time were expos'd to the Cruelty and barbarous Behaviour of *Sicardus*, who blindly giving himſelf up to be guided by his Kinſman *Roffridus*, the Son of the infamous *Dauferius*, who exceeded his Father in Wickedneſs, by his bad Advice he carried himſelf ſo cruelly towards the *Beneventans*, that he put them in the utmoſt Deſpair. *Roffridus* by his deceitful Arts, and cunning Ways, had gain'd the Heart of *Sicardus*, who was ſo much at his Devotion, that he did nothing without his Advice. *Roffridus* was the Author of all the Miſchief that Prince was guilty of; firſt by his deceitful Addreſs, he induc'd him, without any Ground, to ſend *Siconolphus*, *Sicardus*'s own Brother, into perpetual Baniſhment; he caus'd almoſt all the noble *Beneventans* to be impriſon'd, and many of them to be condemn'd to Death; with this wicked Intent, that *Sicardus* being depriv'd both of his Kinſmen and Barons, and intirely at his Beck, he might the more eaſily one Day put him to Death, and poſſeſs the Principality. For the ſame wicked Ends, he oblig'd *Sicardus* to cauſe *Majo* his Kinſman to be ſhav'd, and ſhut up in a Monaſtery; he caus'd *Alphanus*, the moſt faithful, gallant, and illuſtrious Man of that Age to be ſtrangled; ſo that the *Beneventans* not being able longer to bear ſuch Indignities, and cruel Tyranny, at laſt reſolv'd to kill their own Prince.

IN the mean time *Sicardus* vigorouſly carried on the War againſt the *Neapolitans*, who at laſt, not being able to defend themſelves againſt the Forces of ſo powerful and cruel an Enemy, reſolv'd by the Mediation of *John* their Biſhop, and the Authority of *Lothaire* I. Emperor and King of *Italy*, to whom they had had recourſe, to renew the Peace with the *Beneventans*. The Pains and Diligence of the Biſhop were ſo effectual, that tho' he could not obtain a perpetual Peace of *Sicardus*, yet he got it for five Years. Neither would he have ſo far comply'd, if *Andrew*, who then govern'd the *Neapolitan* Dukedom, had not call'd the *Saracens* to his Aſſiſtance, the Fear of whom made him condeſcend to conclude it [3]; as was plain by the Event, becauſe no ſooner had *Andrew* ſent back the *Saracens*, than *Sicardus* ſought to put off the Concluſion of it; but the *Neapolitans* having recourſe to *Lothaire*, he ſent them *Contardus*, who wrought ſo, that the Peace was effectually ſettled (after ſixteen Years continual and cruel War) in the Year 836, and the Conditions were punctually agreed to with *John* the Biſhop, and Duke *Andrew*.

THE Inſtrument of which Peace, or the *Capitularia* of *Sicardus*, we owe to the Care of *Camillus Pellegrinus* [4], in which we meet with many remarkable Things concerning the Cuſtoms and Laws of thoſe People. 'Tis alſo clear from this Inſtrument, how far the Bounds of the *Neapolitan* Dukedom were extended in thoſe Days, and what were the adjacent Places ſubject to it. 'Tis evident, that beſides *Sorrento*, and ſome other neighbouring Caſtles, it likewiſe comprehended *Amalphis*; that the Conditions and Stipulations were regulated according to the *Longobard* Laws, which in thoſe Times had the Aſcendant. It was alſo expreſly agreed, that the *Neapoli-*

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[1] Cedren. p. 429. Camil. Pel. in Tumul. Boni. hiſt. Princ. Long. p. 326.

[2] Chioccar. de Epiſ. Neap. A. 818.

[3] Jo. Diac. in Chron. Epiſc. Neap. in Joan. Ep. 43.

[4] Pell. hiſt. Princ. Longob. de Capitulari Pr. Sicardi pag. 73.

tans, according to the Tenor of the former Peace made with *Sico* the Father of *Sicardus*, ſhould continue to pay to the Princes of *Beneventum* the wonted yearly Tribute, otherwiſe they ſhould be liable to be diſtrain'd. That during thoſe five Years of Peace, there ſhould be a perfect Friendſhip betwixt both Nations, and that neither of them ſhould diſturb the other's Buſineſs or Traffick, either by Sea, Rivers, or Land; that Fugitives and their Goods ſhould be punctually deliver'd up on both Sides; and therein we read many other Capitulations, which 'tis needleſs to relate here.

THIS Peace being concluded, 'tis ſaid, that the *Saracens* having landed from *Sicily* at *Brindiſi*, poſſeſs'd themſelves of that City, and ravag'd all the Neighbourhood: but *Sicardus* haſten'd to repel that Irruption; and tho' at the firſt Onſet he was repuls'd, yet having put his Army in better Order, he went anew to attack them; whereupon the *Saracens*, ſeeing they could not reſiſt him, after having pillag'd and burnt *Brindiſi*, and made many of the Citizens Slaves, return'd with their Booty to *Sicily*.

'TIS likewiſe ſaid, that about the ſame Time, great Diſſention having ariſen amongſt the People of *Amalphis*, many Families of that City went to dwell in *Salerno*, where they were kindly receiv'd by *Sicardus*; who taking Advantage of the Juncture, and ſeeing that City void of Inhabitants, order'd the ſame Troops which he had conven'd againſt the *Saracens* to beſiege *Amalphis*, and breaking the Peace made with the *Neapolitans*, went and ravag'd the Borders of that Dukedom; at which Duke *Andrew* was cruelly offended, and ſeeing that with his own Forces he could not withſtand the Boldneſs of the Enemy, he again ſent Ambaſſadors to the Emperor *Lothaire*, begging his Aſſiſtance (he likewiſe had recourſe to the Emperors of the Weſt; thoſe of the Eaſt, by reaſon of the Revolutions of the Court of *Conſtantinople*, could give him no Relief, and beſides it was ſlow and at a great Diſtance) whom *Lothaire* receiv'd very graciouſly, and ſent back *Contardus* to *Naples*; but on his Arrival there, he found that all the Danger was over, by the Death of *Sicardus*, which fell out very ſeaſonably [1], who a little before had been kill'd by the *Beneventans* themſelves, becauſe of his Cruelty, Tyranny, and extreme Covetouſneſs, to which Crimes he was exceedingly addicted. The Love of Money had made him impriſon *Deuſdedit* the famous Abbot of *Monte Caſſino*; he had robb'd many Churches and Monaſteries of their Goods; he had taken by Force the Eſtates of many Noblemen, as alſo of People of lower Condition; and he had raviſh'd a noble *Beneventan* Lady. To which was added the Pride of *Adelchiſa* his Wife, and the Ignominy to which ſhe expos'd many *Beneventan* Ladies, whom ſhe caus'd to be expos'd naked publickly to be laugh'd at by the People, out of Revenge, becauſe that one Day ſhe herſelf had been ſeen naked by a *Beneventan*.

IN the mean time the *Beneventans* being reduc'd to the utmoſt Deſpair, reſolv'd to kill him; and having laid their Plot well, the Tyrant was murder'd in a moſt cruel manner, in the Year 839, by thoſe who had been moſt familiar with him, as a juſt Reward; as *Sico* his Father had caus'd *Grimoaldus* to be murder'd, ſo *Sicardus* his Son was juſtly puniſh'd for the Fault of the Father, and his own Cruelty and Wickedneſs. He was not lamented by the *Beneventans*, and therefore we read of no Monument of his amongſt thoſe of the other *Beneventan* Princes. The Tyrant then being dead, *Radelchiſus* was unanimouſly elected Prince of *Beneventum*, who had been Treaſurer to *Sicardus*, a Prince of a noble Behaviour, and a Converſation adorn'd with all Virtues; in whoſe Reign the Affairs of our *Longobards* began to decline; not only by reaſon of the Incurſions of foreign Nations, but much more by the inteſtine Diſſentions of the *Longobard* Princes themſelves, which occaſion'd the Diviſion of that Principality into three *Dynaſties*, and was the Origin of the Fall of the *Longobards* in theſe our Provinces, as, after having related the Eccleſiaſtical Polity of theſe Times, we ſhall ſee in the following Book of this Hiſtory.

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[1] Camil. Pel. loc. cit.

CHAP.

CHAP. VIII.

The Eccleſiaſtical Polity of the Churches and Monaſteries of the Principality of Beneventum.

THE *Greek* Church being divided from the *Latin*, and the Occaſions of an irreconcileable Separation increaſing more and more, and many Cities of theſe our Provinces remaining under the *Greek* Empire, the Polity of our Churches was not at all uniform, but very different and diſagreeing; the Polity of the Church adapting itſelf to that of the Empire. The Kingdom of *Italy* having paſs'd from the *Longobards* to the *French*, under *Charles the Great*, who was likewiſe elected Emperor of the Weſt, was govern'd by this Prince, not ſo much by Virtue of this ſpecious Title, as by his being King thereof; for he lov'd no leſs to be call'd King of *Italy*, or of the *Longobards*, than of *France* and Emperor. Whence it was, tho' our *Beneventan* Princes oppos'd the Sovereignty that he, as King of *Italy*, and who had ſucceeded in the Room of the *Longobard* Kings, pretended to over the Principality of *Beneventum*; yet the Title of Emperor making him more auguſt and formidable; and the Opportunities which preſented themſelves, both to him, and the Emperors *Lewis* and *Lothaire* his Succeſſors, rendering our *Beneventan Longobard* Princes Tributaries to the Emperors of the Weſt; it came to paſs, that the Polity of all the Churches that were within the Bounds of ſo vaſt and ample a Principality, was adapted to that of the Empire of the Weſt, and to the Order which *Charles the Great*, and the Emperors his Succeſſors ſettled in the Weſtern Churches, of which, and alſo of thoſe that were in the Principality of *Beneventum*, they took the Care and Protection. Conſequently the Churches of this Principality were ſubject to the *Latin* Church, and were rul'd and govern'd as formerly by the Patriarch of the Weſt; the Power and Ambition of the Patriarch of the Eaſt not being able to prevail in them.

CHARLES the Great then being elected Emperor of the Weſt, and by ſignal Services deſerving ſo well of the Church of *Rome*, *Adrian* and *Leo* III. *Roman* Pontiffs, loaded him with greater Honours than ever had been heard of. There was a mutual Emulation of Generoſity and Courteſy betwixt them. *Charles* ſquander'd away Provinces, Cities, Juriſdictions, and other Temporal Riches on the Popes; they on the other hand repay'd him with their Spiritual Gifts. Thus the two Powers were ſo confounded and jumbled together, that their Boundaries, which were clear and diſtinct before, could never be well diſtinguiſh'd and aſcertain'd thereafter; ſo that it has been the Opinion of wiſe Men [1], that *Charles the Great* went further Lengths than *Conſtantine the Great* in ruining the Political State of the Empire, and corrupting the ancient Diſcipline of the Church.

ALTHO' *Baronius* [2] and *Peter de Marca* [3] reckon the Council of *Lateran* as fabulous, which *Sigebert* [4] relates to have been conven'd in *Rome* by *Adrian*, after *Charles* had triumph'd over King *Deſiderius*, and which *Gratian* [5] upon the Faith of *Sigebert* believ'd to be a true one, wherein 'tis ſaid that *Charles the Great* had the

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[1] Rich. Apolog. J. Gerſon. par. 3. axiom. 36.

[2] Baron. ad annum. 774.

[3] Marca de Conc. lib. 8. c. 12. V. Maimb. de Caſu Imperii lib. 1. ad. A. 964.

[4] Sigeber. in Chron. ad A. 773.

[5] Grat. in Decr. diſt. 63. C. Hadrianus 22.

Power of electing the Pope, and diſpoſing of the Apoſtolical See conferr'd upon him; nevetheleſs if ſuch a Power was not expreſly granted to *Charles* by *Adrian* in that Synod, as *Leo* VIII. did afterwards to *Otho* I. yet he had really that Power, that no Pope could be conſecrated without his Conſent and Permiſſion; whether this was introduc'd by Cuſtom, as *Florus Magiſter* [1] ſays, who liv'd in the Time of *Lewis the Pious*; or whether it was by the Conceſſion of Pope *Zachary*, as *Lupus* of *Ferrara* [2] believ'd; or whether it was becauſe he would not be thought inferior to the Emperors of the Eaſt, who had the Power of confirming the Pope elected, nor could he be conſecrated until the Emperor had approv'd of him; 'tis certain that *Charles* diſpos'd of the Apoſtolical See as he thought fit, with the good Will of the Popes themſelves, who approv'd of it, both to ſhew their Gratitude to *Charles* for the ſo many ſignal good Offices they had receiv'd from him, and to cut off altogether all hopes from the Emperors of the Eaſt of ever regaining that Prerogative over the Church of *Rome*, which with the Exarchate and *Rome* they had loſt.

THEREFORE *Charles* ſettled the Election of the Pope in the ſame manner exactly as it had been, when the Emperors of the Eaſt govern'd *Rome*, to wit, that the Pope ſhould be elected by the Clergy and People, and the Decree of Election ſent to the Emperor, and if he approv'd of him, the Elected ſhould be conſecrated. After *Charles*'s Death, his Succeſſors *Lewis the Pious* and *Lothaire* kept Poſſeſſion of the ſame Prerogative. 'Tis true, ſometimes the Popes elected by the Clergy and People were conſecrated, without waiting for the Emperor's Decree, as was the Caſe of *Paſchal*; but he ſent to excuſe himſelf to *Lewis* the Son of *Charles*, that it was not done with his Conſent, but that the People forc'd it upon him, becauſe they would have it ſo. *Lewis* by his *Capitularia* reſtor'd the Freedom of Elections, not only of the Popes, but alſo of all Biſhops; but for all that he did not derogate from the Aſſent and Approbation of the Prince, as the Archbiſhop of *Paris* [3] very well proves; for this excellent Writer, from the Teſtimony of *Florus Magiſter*, a cotemporary Author, demonſtrates, that the Aſſent of *Lewis* was always requir'd, neither did he allow of the Conſecration without his Permiſſion; he likewiſe relates, that after the Year 820, *Gregory* IV. having been elected, was not ordain'd until the Election had firſt been examin'd by the Emperor's Ambaſſador; ſo far is it from being true, that ſome who have been miſled by the Apocryphal C. *Ego Lodovicus* [4], have ſaid, that *Lewis* renounc'd this Power of confirming the Pope elected; that it is certain, that not only *Lewis*, but likewiſe *Lothaire* his Son, and *Lewis* II. his Grandchild, confirm'd all the Popes elected in their Time [5]; and it was not before the Poſterity of *Charles the Great* was extinct in *Italy*, in the Year 884, that *Adrian* III. made a Decree, that the Pope ſhould be conſecrated without the Emperor's Conſent.

CHARLES likewiſe regulated the Churches of the Weſt by his *Capitularia*, calling Synods by his own Authority, wherein he not only order'd the Prelates of the Church to be preſent, but alſo the Secular Lords, eſtabliſhing Rules not only concerning the Temporality, but the very Diſcipline of the Churches, making ſundry Eccleſiaſtical Laws for the Diſtribution of the Revenues and Poſſeſſions of the Churches and the Tythes, reviving many of the ancient Canons that had been diſus'd.

BUT *Charles* was no ſooner elected Emperor, than he aſſum'd much greater Authority in the Elections and Ordinations of Biſhops, and he did all by the Permiſſion of the Popes themſelves. Altho' he reſtor'd the Liberty to the People and Clergy of electing the Biſhops, yet he preſcrib'd many Laws concerning Elections; that they ſhould elect one of their own Church or Dioceſs; that the Monks ſhould elect their Abbot from their own Monaſtery, and with the Authority of the Apoſtolical See, and the Conſent of the Biſhops; the Emperor after the elected Biſhop or Abbot was preſented to him, and approv'd by him, was to inveſt them, by delivering to them the Croſier and Ring [6], then they were to be conſecrated by the neighbouring Biſhops; whence aroſe the Right of *Inveſtiture*, on account of which ſo many Quarrels and Contentions enſu'd in the following Centuries betwixt the Popes and the Emperors.

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[1] Flor. Magiſtr. Tract. de elect. Epiſ.

[2] Lup. Ferrar. apud P. de Marca loc. cit. n. 9.

[3] P. de Marca, lib. 8. cap. 14.

[4] Ibidem.

[5] Decret. Grat. diſt. 63. c. 30.

[6] Richer. Apolog. Jo. Gerſon. loc. cit. pag. 191.

HIS Intention was, by thus bringing the Biſhops and Abbots under his Allegiance, to fix his Empire the better, and to keep his Subjects with ſtronger Ties under his Obedience. Therefore, beſides having ſo much advanc'd the Church of *Rome*, and made her Miſtreſs of ſo many Cities and Lands, he likewiſe inrich'd the other Churches and Monaſteries with Baronies, Counties, and very ample and rich Fiefs, by making the Biſhops and Abbots Temporal Lords of the Places where they had their Benefices, by uniting the Temporal to the Spiritual Dignity, as acceſſory to, and depending on it; and inveſting them in the Temporality with the Ring and Croſier, wherefore he took their Oaths, and oblig'd them to many Performances and Taxes, as alſo military Services, like any other Feudatory; which by *William of Malmsbury* [1] was reckon'd a Piece of fine Policy, who ſaid, that *Charles omnes pene terras eccleſiis conferebat, conſilioſiſſime perpendens, nolle ſacri ordinis homines tam facile quam laicos fidelitatem dominii ſui rejicere. Præterea, ſi laici rebellarent, illos poſſe excommunicationis auctoritate, & potentiæ ſeveritate compeſcere.*

CHARLES likewiſe inlarg'd the Power of Cognizance in the Biſhops, and much more in the Biſhop of *Rome*; he gave them *Territorium*, and the *Jus Carceris* [2], which before *Charles*'s Time the Popes never had had in *Rome* itſelf; and other Princes in imitation of him granted the ſame to the Biſhops of their Cities. Moreover *Charles* in his *Capitularia* ordain'd, that none of the Clergy, Monks or Nuns could be accus'd before the Secular Magiſtrates, but only before the Biſhop; and in Civil Matters they could require to have all Cauſes remitted to the Biſhop [3]. This Privilege was afterwards generally confirm'd in all Cauſes both Civil and Criminal by the Emperor *Frederick* I. and his Ordinance was inſerted in the *Juſtinian* Code [4], ſo that it paſs'd for a common Law; whence came the Diſtinction afterwards between the Clergy and Laicks; the Laicks were under the Secular Juriſdiction, and the Clergy under the Eccleſiaſtical. And if they had kept within theſe Bounds the Thing might have been bore with; but in proceſs of Time, beſides the prodigious Increaſe of the Eccleſiaſtical Juriſdiction, for Reaſons which ſhall be taken Notice of in the Progreſs of this Hiſtory; the Popes and Biſhops, to whom Princes had granted Fiefs and Juriſdiction, wreſted the Inveſtiture out of their Hands, diſclaim'd their Aſſent to their Elections, and retain'd both the Fiefs and Juriſdictions; boaſting beſides, that it was not by the Conceſſion of Princes that they exercis'd Juriſdiction over Eccleſiaſtical Perſons, but by Divine Right.

AFTER *Charles*'s Death the ſame Favours were continu'd by his Succeſſors deſcended of him, to the Eccleſiaſtical State; and *Lothaire* I. granted them Juriſdiction over their Patrimonies, allowing them at the Deſire of the Abbots, and others who had the Charge of Churches, a particular Judge in theſe Places, whom they call'd *Defender*, who had the Cognizance of Cauſes, and forbidding the Publick Magiſtrate to intermeddle in them [5].

TO this blending of the Secular and Spiritual Powers were owing the monſtrous Diſorders which appear'd in this and the following Century; the Biſhops and chief Prelates frequented the Courts of Princes, and were of their Council; and as Feudatories commanded Armies; meddled in the Government and Conſultations of State; neither was it reckon'd unbecoming in thoſe Times, to ſee the ſame Perſon both Biſhop and Duke of *Naples*; and likewiſe the ſame Perſon both Biſhop and Count of *Capua*; which made them look on the Exerciſe of their Sacred and Spiritual Office as beneath their Dignity.

WHENCE the Monaſteries and Churches in the Provinces of the Principality of *Beneventum* tributary to the Emperor of the Weſt, following the ſame Example, began to acquire Fiefs and Baronies; for before *Charles*'s Time the *Longobard* Kings gave Fiefs [6] neither to Monks nor Clergy, thinking that it did not ſuit with their Office, but the Popes found no Inconſiſtency in it, neither did they refuſe *Charles*'s Bounty, nor that of other Princes, who after his Example inrich'd the Churches and Monaſteries; and *Arnaldo da Breſcia* having had the Boldneſs to maintain, that Fiefs could not be given to Churches, was condemn'd in the *Lateran* Council as a Heretick [7].

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[1] Guliel. Malm. lib. 5. de geſtis Reg. Angliæ.

[2] Richer. loc. cit.

[3] Loyſeau des Off. des Sign. chap. 15.

[4] Auth. Statuimus, C. de Epiſc. & Cler.

[5] Diploma Loth. apud Schilterium Comment. ad jus Feud. Aleman. cap. 1. §. 7. V. Struvium hiſt. Jur. publ. cap. ult. §. 4.

[6] Duaren. in Comment. ad conſuet. Feud. lib. 1. cap. 6. num. 18.

[7] Sigon. de Reg. Ital. lib. 11.

IT was not thought inconſiſtent, that the Temporal Power ſhould be annex'd to, and made dependent on the Prieſthood; and that the Churches and Monaſteries inveſted in Fiefs with reſpect to Temporalities, ſhould acknowledge the Prince as Sovereign Lord of what they were inveſted in; and as to Spirituals, and in all other Things, they ſhould own the Pope as their Head and Moderator. Whence in proceſs of Time it was ſeen, particularly in *Germany* [1], that many Biſhops, Abbots, and Priors were Temporal Lords of the Cities, Villages, and Places where their Benefices were ſituated; in which they exercis'd in their own Names, and under their own Authority, all Civil and Criminal Juriſdiction as Temporal Lords. And becauſe it appear'd ſomething odd for themſelves to exerciſe Criminal Juriſdiction, therefore they made their Officers do it, who by the Laws of our Kingdom, as was practis'd in *France*, ought to be Laicks. For which Cauſe theſe their Temporal Lordſhips were govern'd by the ſame Rules as thoſe that were in the Hands of Seculars; and there is no Difference, but that the former being Eccleſiaſtical Poſſeſſions, are neither Vendible nor Hereditary, but always go along with the Offices; and in order to preſerve the Sovereignty, and the Rights accruing thereby to the Prince, there being no room left for Devolution, they are tied down to the ſame Services and Payments with other Barons, and in place of Fines, the *Quindennia* [2], or Fifteenths are exacted. Whence likewiſe comes the Cuſtom, that with us, according to the Practice of *France*, Appeals that are made from their Temporal Juriſdictions, are brought before the Secular, and not the Eccleſiaſtical Courts [3]; and ought to be judg'd according to our Conſtitutions, the Ordinances of the King, and the Cuſtom of Places, and not according to the Canon Law [4].

THE firſt among us, that by the Conceſſion of our *Longobard* Princes, got Poſſeſſion of Caſtles and Baronies, was the Monaſtery of *Monte Caſſino*, whence its Abbot now juſtly boaſts of being the firſt Baron of the Kingdom, and that in the general Parliaments, among all the Barons the firſt Place is due to him [5]. *Marinus Freccia* [6], perhaps by giving credit to the Fables of *Petrus Diaconus* [7], the Continuator of the Chronicle of *Leo Oſtienſis*, wrote, that the Emperor *Juſtinian* had given many Cities and Lands in the Kingdom to this Monaſtery; tho' *Leo*, in his Chronicle ſeems to have had no other Deſign, but to make an Inventory of all the Donations and Conceſſions made to that Monaſtery by diverſe Princes and Lords, and likewiſe by private Men, and mentions Things of ſmall Moment, yet not one Word of that; beſides *Petrus Diaconus* mentions ſpecial Grants not only of *Juſtinian*, but likewiſe of *Juſtin the Elder*, who reign'd in the Eaſt, when all *Italy* was under the Dominion of the *Goths*, and when S. *Benedict* was not as yet come into our *Campania*, nor had been at *Caſſino*. *Giſulphus* Duke of *Benevento*, as we have ſaid, was the firſt who inrich'd this Monaſtery with Caſtles and Baronies; whence in proceſs of Time, by the Bounty of other Princes it got the Lordſhip of the City of *Caſſino* itſelf, and poſſeſs'd alſo Fiefs in other Provinces, ſuch as *Cetraro* in *Calabria*; S. *Pietro di Avellana*, in the County of *Moliſe*; *Serra de Monaci* in *Aprutium*; and many more in other Places, of which the Regiſter of Abbot *Bernard*, and the Chronicle of *Leo* are good Vouchers. Therefore the Abbots of the Monaſtery of *Monte Caſſino* took an Oath of Fidelity to the Emperors of the Weſt, from whom they obtain'd the Confirmation, or *Præcepta*, call'd likewiſe *Mundeburda*, of the ſaid Conceſſions, as they did to the Emperor *Lothaire* II.; and therefore that Monaſtery was eſteem'd an Imperial Chamber [8]; and in the Diviſion made betwixt *Radelchiſus* and *Siconolphus*, was excepted, as being immediately under the Protection of the Emperor; and *Henry* VI. exempted the Abbot *Rofridus* from furniſhing Soldiers, to which he was bound as a Feudatory; which King *William the Good* afterwards did not do, who for the Expedition to the Holy Land, got from that Monaſtery ſixty Soldiers, and Two hundred Servants [9].

IN proceſs of Time, not only the Monaſteries of the Order of S. *Benedict*, but alſo all the other Orders, became Lords of Caſtles and Baronies under our *Norman*

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[1] V. Struvium hiſt. Jur. Feud. cap. 8.

[2] V. Biſcard. in Jur. Reſponſ. de Quinden.

[3] Freccia de Subfeud. lib. 3. diff. 13. R. de Ponte dec. 2. n. 1.

[4] V. Loyſeau des ſign. Eccl. chap. 15.

[5] Abbas de Noce in Excurſ. hiſt. in cap. 5. lib. 1. Leon. Oſt.

[6] Frec. de Subfeud. lib. 1. tit. de Antiq. Regni Stat. num. 57. fol. 53.

[7] Pet. Diacon. ad Chron. Caſſ. lib. 4. cap. 117, & 118.

[8] P. Diacon. lib. 4. c. 118.

[9] V. Ab. de Noce, loc. cit.

Princes. The *Greeks* being intirely driven out of theſe our Provinces, and the uſe of Fieſs common every where; the Monaſteries under the Order of S. *Baſil*, and other Orders, likewiſe got Fieſs. That of S. *Elias* of the Order of S. *Baſil* got the Town of *Carbone* with reſpect to Civil Matters. The Abbots of S. *Mark* in *Lamis*, of S. *Demetrius*, and many others, the Orders of S. *John* of *Jeruſalem*, of S. *Stephen*, and many others of different Orders, which may be ſeen in *Ughellus*, hold Baronies.

OUR Churches and Biſhops were no leſs plentifully inrich'd than the Monaſteries. The Archbiſhop of *Salerno* once poſſeſs'd the Towns of *Olibano* and *Mount Corvino*; the Archbiſhop of *Taranto* got the Town *Delle Grottaglie* as to Civil Matters; and the Archbiſhop of *Conſa* likewiſe as to Civil Matters got the Towns of S. *Menajo* and S. *Andrea*; the Archbiſhop of *Bari* had once *Bitritto*, *Caſſano*, *Caſamaſſima*, *Modugno*, *Laterza*, and other Towns [1]; the Archbiſhop of *Brundiſi* got the Town of S. *Pancratio*; the Archbiſhop of *Reggio* retains to this Day the Caſtles of *Bova* and *Caſtellace*; and the Archbiſhop of *Otranto* got other Towns. The Biſhop of *Lecce* had S. *Petro in Lama*, *Vernotico*, and other Fieſs; the Biſhop of *Bojano* once poſſeſs'd the Town of S. *Polo*; the Biſhop of *Tricarico* had the Town of *Montemuro*, and many other Churches, ſuch as thoſe of *Caſſano*, *Teramo*, S. *Nicholas* of *Bari*, and others, poſſeſs many Fieſs and Caſtles; which, that we may ſhun making a longer Catalogue of them here, may be ſeen in *Ughellus*'s *Italia Sacra*. For which Cauſe, tho' in our Kingdom the Eccleſiaſtical State makes not a diſtinct State, as in *France*, yet at the general Parliaments the Biſhops and Abbots, as Barons and Lords, and not as Eccleſiaſticks, ſend their Proxies.

SUCH was the Polity of the Churches and Monaſteries of the Principality of *Benevento* in this ninth Century, which depended as formerly on the Patriarch of the Weſt, and in every Thing were united to the *Latin* Church. The Monaſtick State was ſtill advancing in Splendor and Greatneſs; many other Monaſteries of the Order of S. *Benedict* were ſtill building there by the Bounty of the *Beneventan* Princes, and of the Emperors of the Weſt themſelves. In the Year 872. the Monaſtery of S. *Clement* in the Iſland of *Peſcara*, of the Order of S. *Benedict*, was built by the Emperor *Lewis* [2]. In *Gargano* and *Siponto*, thoſe of *Calena* and *Pulſano* were erected, of which at preſent there's ſcarcely any Veſtige remaining.

BENEVENTUM was likewiſe adorn'd with a new Sanctuary; for the *Saracens* having made themſelves Maſters of *Sicily*, and in the Year 831. deſtroy'd the Iſland of *Lipari*, whither 'tis ſaid that the Bones of the Apoſtle *Bartholomew* had been brought from the *Indies*, they likewiſe violated the holy Shrine, by ſcattering the bleſſed Bones upon the Ground, which by the Revelation of the Saint himſelf, were gathered by a certain Monk, and tranſported from *Lipari* to *Beneventum* [3]; Prince *Sicardus* receiv'd them with the utmoſt Eſteem and Veneration, and for a long time they were ador'd there; and the *Beneventans* being perſuaded that they were not afterwards carried to *Rome* by *Otho*, pay them ſtill the ſame Honours and Adoration.

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[1] Beatil. hiſt. di Bari.

[2] Ughel. tom. 6. pag. 298.

[3] Leo Oſt. lib. 1. cap. 24. Sigebert. ad A. 831.

SECT. II.

The Eccleſiaſtical Polity of the Neapolitan *Churches, and of the other Cities ſubject to the* Greek *Empire.*

ALTHO' in the *Greek* Church there was not ſo great Deformity and Looſeneſs of Manners, and ſo great Ignorance as in the *Latin*, both in Prieſts and Monks; neither did her Biſhops nor Abbots poſſeſs Caſtles and Baronies, the *Greeks* having no Fieſs; nevertheleſs the Separation betwixt the two Churches grew ſo wide through the Ambition of the Patriarch of *Conſtantinople*, and ſome Doctrines and Opinions maintain'd in the *Greek* Church different from thoſe which the *Latin*

Church taught, not to mention ſome Points of Diſcipline, and their different Rites and Ceremonies, that at laſt it became irreconcileable. The *Greeks* oppos'd the Primacy of the Biſhop of *Rome*, to whom they had a mind to prefer the Biſhop of *Conſtantinople*, or at leaſt to put him upon the ſame Level. Therefore there aroſe various Debates concerning the Bounds of their Patriarchates; whereupon that of *Conſtantinople* uſurp'd many Provinces which belong'd to the Patriarchate of *Rome*. There was a great Diſpute about *Bulgaria*, the Patriarchs of the Eaſt pretending, that that Country having been taken from the *Greeks*, and at firſt govern'd by *Greek* Biſhops, ought to belong to the Patriarch of *Conſtantinople*; they were likewiſe favour'd in this by the Emperor *Baſilius*, and his Son *Leo*, whom he had aſſociated in the Empire; ſo that *Bulgaria*, notwithſtanding the Oppoſition and Proteſtations of the Pope's Legates, was adjudg'd to the *Greeks*, and the *Latin* Biſhops and Prieſts were expell'd.

THE Ambition of the Patriarchs of *Conſtantinople* being ſeconded by the Power of the Emperors of the Eaſt, took many other Churches from the Patriarchate of the Weſt, which were aſſign'd to that of *Conſtantinople*; whence it came, that as there was a new Diviſion made of the Provinces of the Eaſtern Empire, into many *Themata*, of which *Conſtantine Porphyrogenitus* compos'd two Books, and a new Deſcription of the Officers of the Palace and Court of *Conſtantinople*, of which *Codinus* [1] and *Joannes Curapalata* [2] have made a long Liſt; ſo with reſpect to the Polity of the *Greek* Church, and the *Conſtantinopolitan* See, their Patriarchs obtain'd from the ſame Emperors of the Eaſt, that there ſhould be a new Diviſion made, as well of the Churches ſubject to the *Conſtantinopolitan* See, many of which had been taken from that of *Rome*, as of the Officers of the great Church of *Conſtantinople*, of which *Codinus* and *Curapalata*, and others according to *Leunclavius* [3] have likewiſe given the Names and Offices; to the End that thoſe Churches, which were taken from the Patriarchate of the Weſt, by ſuch a Diſpoſition or *Notitia's* being made by the Authority of the Emperor, might remain firmly united to, and dependent on their See.

'TIS commonly believ'd, that about the Year 887, in the Time of *Leo* ſurnam'd the *Philoſopher*, after the Patriarch *Photius* had been turn'd out of the Chair of *Conſtantinople*, ſuch a Diſpoſition was made; and *Leunclavius* [4] records it among the *Novellæ* of *Leo the Philoſopher*; but *Leo Allacci* [5] maintains, that it was made ſome Years before in 813, under the Empire of *Leo the Armenian*; however that may be, by this Diſpoſition we ſee, how much in thoſe Times the Patriarchs of the Eaſt had extended their Authority over many Churches, and particularly over theſe in our Provinces, which formerly belong'd to the See of *Rome* as Suburbicarian Provinces.

THE Abbot *Nilo*, ſurnam'd *Doxapatrius*, in his Treatiſe *De quinque Thronis Patriarchalibus* [6], which he wrote in the Year 1143, to *Roger* I. King of *Sicily*, upon an Occaſion which we ſhall relate when we come to diſcourſe of the Deeds of that Prince, lets us ſee how much the *Roman* Patriarch poſſeſs'd formerly, and what has been ſince taken from him by that of *Conſtantinople*. He poſſeſs'd, ſays he, all *Europe*, *Spain* as far as *Hercules*'s Pillars, with the Iſlands of the Weſtern Sea, the two *Gallia*'s, the *Britiſh* Iſlands, *Pannonia*, all *Illyricum*, *Peloponneſus*, the *Avari*, *Sclavonia*, *Scythia* to the *Danube*, *Macedonia*, *Theſſalonica*, *Thracia* as far as *Byzantium*, *Mauritania*, the *Mediterranean* Iſlands, *Creta*, *Sicilia*, *Sardinia*, and *Majorca*. All *Italy*, to wit, *Superiores Alpes, & quæ ultra eas extenduntur: nec non inferiores Gallias, quæ Italiæ ſunt, ſive Lombardiam, quæ nunc dicitur* Longi*bardia, & Apuliam, & Calabriam, & Campaniam omnem; & Venetiam, & Provincias quæ ultra ſinum Hadriaticum ſe ſe effundunt.* And concludes, *Hæc omnia Romano ſubdebantur*.

BUT afterwards there were many Provinces and Cities, as well in the Eaſt as the Weſt, ſubjected to the *Conſtantinoplitan* See. The Metropolitans of *Theſſalonica* and *Corinth* ſubjected themſelves to the Patriarch of *Conſtantinople*, and many other Metropolitans and Archbiſhops follow'd their Example: *Sicilia præterea,* he adds, *& Calabria ſe Conſtantinopolitano ſuppoſuerunt, & Sancta Severina, quæ & Nicopolis dicitur.*

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[1] Codin. de Offic. Aulæ Conſtant.

[2] Curapal. lib. de Offic. Palat. Conſtant.

[3] Leuncl. tom. 1. Jur. Græc. Rom.

[4] Ibidem.

[5] Leo Allac. de Eccl. Occid. & Orient. perpet. conſenſ. pag. 426.

[6] It was for the moſt Part tranſcrib'd by Leo Allacci loc. cit. lib. 1. cap. 10 & 24. pag. 410. and by Eman. Schelſtrat, antiq. illuſtr.

Sicilia autem univerſa unum Metropolitam habebat, Syracuſanum: Reliquæ vero Siciliæ Eccleſiæ Syracuſani erant Epiſcopatus, etiam ipſe Panormus, & Therma, & Cephaludium, & Reliquæ.

Calabria quoque unum Metropolitam Rheginum, reliquas vero Eccleſias Epiſcopatus Rheginus ſibi vendicabat.

Taurianam, in qua Sancti Fantini Monaſterium eſt.

Bibonem, cujus locum occupavit Miletum.

Conſtantiam, quæ Coſentia nunc dicitur, & reliquos omnes, Calabriæ Subjectos.

Erat & Sancta Severina Metropolis, habens & ipſa ſub ſe varios Epiſcopatus.

Callipolim, Aſyla, Acherontiam, & reliquas; & ſunt hæ Eccleſiæ deſcriptæ in Tacticis Nomocanonis ſub Throno Conſtantinoplitano.

Adnexæ itaque Siciliæ, Calabriæ, Sanctæ Severinæ ſedes Throno Conſtantinopolitano, a Romano avulſæ; quemadmodum & Creta, ſub Romano cum eſſet, ſub Conſtantinopolitano facta eſt. Nihilominus Pontifex viles quaſdam partes, & Epiſcopatus nonnullos in Sicilia, & Calabria habere deprehenditur. Metropoles enim, & urbes in eadem illuſtriores, & digniores, Conſtantinopolitanus poſſedebat, uſque ad Francorum adventum; meaning the *Normans,* who having driven the *Greeks* out of theſe Provinces, reſtor'd to the See of *Rome* all thoſe Churches which had been taken by the *Greeks* from that Patriarchate, as we ſhall relate in its Place.

Si autem, adds *Nilo, in Longobardia & Apulia, & in omnibus his Regionibus, maritimas Metropoles antea poſſedebat Conſtantinopolitanus, reliquas Romanus, ut Regiones illæ per partes poſſiderentur. Namque Meloduſac Poeta Dominus Marcus, Hydruntum a Conſtantinopolitano miſſus fuiſſe comperitur. Cum autem univerſæ Longobardiæ Ducatus, quæ vetus Hellas erat, ſub Imperatore erat Conſtantinopolitano, Papa vero ſeparatus ſub aliis Gentibus vivebat, propterea Patriarcha Eccleſias obtinebat; nam Brunduſium, & Tarentum a Conſtantinopolitano ſacerdotes accipiebat; idque nullum latet.*

THE Diſpoſition or *Notitia* of the Metropolitans, and of the Biſhops their Suffragans, ſubject to the See of *Conſtantinople,* deſcrib'd to us by the *Novella* of *Leo* recorded by *Leunclavius,* is exactly the ſame with what *Nilo* has written. He made the Plan of it in the following Order.

Ordo præſidentiæ Metropolitanorum, qui ſubſunt Apoſtolico Throno Conſtantinopolis, & ſubjectorum eis Epiſcoporum.

HE numbers all the Metropolitans with their Suffragan Biſhops, and puts in the firſt Place the Metropolitan of *Ceſarea* in *Cappadocia:* In the ſecond the *Epheſian* in *Aſia,* and ſucceſſively all the reſt to the Number of LVII. Metropolis's. In the XXXII. Place the See of *Reggio* or *Calabria,* with its Suffragan Biſhops, is put in this manner.

XXXII. *Rhegienſi, ſive Calabriæ.*

1. *Bibonenſis.* 2. *Taurianæ.* 3. *Locridis.*
4. *Ruſiani.* 5. *Scylacii.* 6. *Tropæi.*
7. *Amanteæ.* 8. *Crotonæ.* 9. *Conſtantienſis.*
10. *Nicoterenſis.* 11. *Biſuniani.* 12. *Novocaſtrenſis.*
13. *Caſſani.*

IN the XLIXth Place the See of S. *Severina* with its Suffragan Biſhops is put.

XLIX. *Severianæ, Calabriæ.*

1. *Euryatenſis.* 2. *Acerentinus.* 3. *Callipolitanus.*
4. *Aiſylorum.* 5. *Caſtriveteris.*

AFTER theſe the Metropolis's are put that have no See ſubject to them, that is to ſay, have no Suffragan Biſhops, and among the reſt he puts *Otranto* in LV. Place.

LV. *Hydruntino qui ſubſit, nullus eſt Thronus.*

AND in the End he ſets down by themſelves the Metropolitans with their Suffragan Biſhops, that had been taken from the *Roman* See, and ſubjected to the *Conſtantinopolitan*; thoſe that had been taken from the Dioceſſes of the Weſt, he obſerves were the Metropolitans of *Reggio* in *Calabria*, and of *Syracuſe* in *Sicily*.

Avulſi a Diœceſi Romana, jamque Throno Conſtantinopolitano ſubjecti Metropolotani, & qui ſubſunt eis Epiſcopi, ſunt hi;

1. *Theſſalonicenſis.*
2. *Syracuſanus.*
3. *Corinthius.*
4. *Rhegienſis.*
5. *Nicopolitanus.*
6. *Athenienſis.*
7. *Patrenſis.*

Sub Syracuſano, Siciliæ.

1. *Taurominitanus.*
2. *Meſſanenſis.*
3. *Agrigentinus.*
4. *Cronienſis.*
5. *Lilybei*
6. *Drepani.*
7. *Panhormitanus.*
8. *Thermarum.*
9. *Cephaludii.*
10. *Aleſæ.*
11. *Tyndarii.*
12. *Melitenſis.*
13. *Liparenſis.*

SEEING the *Greeks* could not advance Biſhops to be Metropolitans, becauſe perhaps it was not for their Intereſt to take the Churches from the old neighbouring Metropolitans, and give them to a new one; when they had a mind to advance any Biſhop, they were wont to dignify him with the Title of Archbiſhop, with which (it being only a Title of Dignity, not of Power, like that of Metropolitan) they who were dignified acquir'd nothing but greater Splendor, and a Pre-eminency above the other Biſhops of that Province, of whom they had the Preference and Place. *Quoſdam Antiſtites*, ſays *Balſamon*, *non propterea vocari Archiepiſcopos, quod Epiſcoporum Principes, & Ordinatores ſint: Sed quod primi Epiſcoporum habeantur* [1]. Whence in the Diſpoſition of the Churches ſubjected to the See of *Conſtantinople*, beſides the Degrees of Metropolitans, we read in the ſame *Novella* of *Leo*, and likewiſe in the Book of the Synodical Decrees alſo printed by *Leunclavius* [2], a Liſt of Archbiſhops ſubjected to the Patriarch of the Eaſt, and among the reſt in XIV Place we find the Archbiſhop of *Naples*, and after him the Archbiſhop of *Meſſina* in this manner.

Archiepiſcopatus.

XIV. *Neapolis.*
XV. *Meſſana.*

THE Polity and Government of the Churches of the Dukedom of *Naples*, as being comprehended in *Campania*, a Suburbicarian Province, belong'd by Right to the Patriarch of *Rome*, who, in effect, as is manifeſt from the Letters of S. *Gregory the Great*, exercis'd all Patriarchal Power in it, tho' the Political and Temporal belong'd to the Empire of the Eaſt; but afterwards the Patriarchs of *Conſtantinople*, ſupported by the Power of the *Greek* Emperors, began to dignify the Biſhops of *Naples* a Metropolis City of a Dukedom of no ſmall Figure, with the pompous and ſhining Titles of Archbiſhops, and to aſcribe Honours and Prerogatives to them, by which they were diſtinguiſh'd from all the other Biſhops of the Dukedom. We find that *Sergius* Biſhop of *Naples*, took the Title of Archbiſhop from the Patriarch of

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[1] V. Carac. de Sacr. Eccl. Neap. monum. c. 1. §. 10.

[2] Leuncl. loc. cit. l. 3. Jur. Græc. Rom.

Conſtantinople, but being rebuk'd for it by the Pope, he repented him of his Error, and ask'd Pardon [1].

THE Popes oppoſ'd theſe Incroachments of the Patriarchs of *Conſtantinople* with all their Might, but after the Times of *Leo Iſauricus*, and *Conſtantinus Copronimus* Emperors of the Eaſt, when the Diſcord betwixt thoſe two Churches increas'd, the Patriarchs of *Conſtantinople* becoming more bold by the Power and Favour of the Emperors, who were implacable Enemies of the Popes, pretended that the Biſhops of thoſe Churches that had continu'd under the *Greek* Empire, ought to acknowledge them for their Patriarchs; that they ought to take their Bulls of Confirmation and Conſecration from them, and obey them in all Spiritual Matters, as they obey'd the Emperors of the Eaſt in Temporals. And tho' *Bari*, *Taranto*, *Brindiſi*, and other Cities of *Puglia* and *Calabria*, were now under the Dominion of the *Longobards*; nevertheleſs, being afterwards retaken by the *Greeks*, and reſtor'd to the Empire of the Eaſt, as we ſhall ſhew in the following Books; the *Greeks* likewiſe ſubjected the Churches of theſe Cities to the Patriarchate of *Conſtantinople*.

THE Church of *Naples* then, if regard be had to what the Patriarchs of *Conſtantinople* took upon them to do, from this Time became Archiepiſcopal, but not Metropolitan, becauſe that Title of Dignity was only given by theſe Patriarchs for Honour's ſake. It was erected into a Metropolis afterwards in the tenth Century by Pope *John*, as ſhall be told in its Place; and for that Reaſon in the *Novella* of *Leo*, and the Book of the Synodical Decrees, *Naples* is not plac'd in the Number of the Metropolitan Cities ſubject to the See of *Conſtantinople*, but amongſt the Archiepiſcopal, which the Patriarch of the Eaſt pretended were ſubject to him. But notwithſtanding this Claim, he never pretended to conſecrate the Biſhops of *Naples*, who were no ſooner elected by the Clergy and People, than they went, as formerly, to *Rome* to get themſelves conſecrated by the Popes.

FOR this Reaſon the Church of *Naples* was never ſeparated from the *Latin* Church; but being in a City ſubject to the *Greeks*, and by the continual Commerce with the Eaſtern People, much frequented by the *Greeks*, had Prieſts and Clergy of both Communions; there were two Chapters, the one *Greek* [2], and the other *Latin*; and many Pariſhes and Churches, as well *Latin* as *Greek* were erected, which for the Reaſon juſt now mention'd happen'd in this Century, and not in the Time of *Conſtantine the Great*. There were reckon'd ſix *Greek* Parochial Churches; that of S. *George ad Forum*; that of S. *Januarius ad Diaconiam*; the Churches of SS. *John* and *Paul*, of S. *Andrew ad Nidum*, of S. *Maria Rotunda*, and of S. *Maria in Coſmedin* [3]; in which the Prieſts celebrated the Sacrifices and Divine Offices according to the Rites of the *Greek* Church; but upon certain appointed Days, aſſembled with the *Latins* in the great Church, and with promiſcuous Rites, and *Latin* and *Greek* Songs prais'd the Lord [4].

FROM *Naples* having had two Clergies, the one *Latin* and the other *Greek*, our *Chioccarelli* [5] believ'd, there likewiſe had been two Biſhops in it, the one *Greek* and the other *Latin*, as *Cyprus* is ſaid to have had two Archbiſhops in the Time of Pope *Innocent* IV. the one *Latin* and the other *Greek*; thus does he interpret the Acts of the Life of S. *Athanaſius* Biſhop of *Naples*. But this is repugnant to all Hiſtory, and the ſo many Catalogues which we have of the Biſhops of this City, in which there's no ſuch Deformity to be found in this Church; wherefore *P. Caracciolus* [6] cenſur'd this Error, and explain'd the Ambiguity of the Acts of that Saint compos'd by *P. Diaconus* of *Caſſino*, who had led *Chioccarelli* into the Miſtake.

THE Biſhop of *Naples* then, tho' dignify'd by the Patriarch of *Conſtantinople* with the Title of Archbiſhop, did not exerciſe any Power of a Metropolitan over the Biſhops of his Dukedom: He only had the Precedency in Honour and Dignity, as Biſhop of the Ducal City; and in this Age the Biſhops of this Dukedom were thoſe of *Cuma*, *Miſeno*, *Baja*, *Pozzuoli*, *Nola*, *Stabia*, *Sorrento*, and *Amalphis*;

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[1] Jo. Diacon. in Chron. Epiſc. Neap. Hic dum a Græcorum Pontifice Archiepiſcopatum nanciſceretur, ab Antiſtite Romano correptus veniam impetravit.

[2] V. Capacium lib. 1. fol. 57. Franc. Ant. Purpuram Reſponſ. pro Monachis Baſilian. in cauſa præcedentiæ cum Monach. Caſſin.

[3] V. Eugenium in Eccl. S. Georg. & S. Mariæ in Coſmedin.

[4] V. Chioccarel. de Epiſc. Neap. ad A. 878.

[5] Chioc. loc. cit.

[6] Carac. de Sacr. Eccl. Neap. Monum. cap. 35. Sect. 2.

in proceſs of Time *Sorrento* and *Amalphis* were advanc'd to be Metropolis's; and *Cuma*, *Miſeno*, *Baja*, and *Stabia* were deſtroy'd. But tho' *Naples* loſt theſe Cities, when it was made a Metropolis, it got *Averſa* built by the *Normans*, *Iſchia*, *Acerra*, *Nola*, *Pozzuoli*, that were for a long time Suffragans to its See.

IN the other Churches of the Cities ſubject to the *Greek* Empire, the Patriarchs of *Conſtantinople* exercis'd greater Authority, and particularly in the Churches of *Reggio*, S. *Severina*, and *Otranto*; and after the *Greeks* had recover'd *Taranto*, *Brindiſi* and *Bari*, and other Cities of *Puglia* and *Calabria*, they pretended the ſame Authority over them.

THEY made *Reggio* a Metropolis, and appointed thirteen Suffragan Biſhops to it, as we have ſeen. They erected S. *Severina* into a Metropolis, and ſubjected five Biſhops to its See. To the Metropolitan of *Otranto* they gave none; but in the Time of *Nicephorus Phocas*, about the Year 968, while *Polieutus* was Patriarch of *Conſtantinople*, the Biſhops of *Acerenza*, *Turcico*, *Gravina*, *Matera*, and *Tricarico*, were made Suffragans to it, the Conſecration of which Biſhops, as *Luitprandus* Biſhop of *Cremona* [1] relates, he would have to belong to the Metropolitan of *Otranto*; and *Nicephorus* ſo much inlarg'd the Bounds of this Metropolis, and the *Greek* Rites, that he commanded the Divine Offices to be celebrated no more in *Latin*, but in *Greek*, over all *Puglia* and *Calabria*; and other moſt ample Privileges were granted to it, which may be ſeen in *Ughellus*'s *Italia Sacra* [2].

BRINDISI and *Taranto*, after they were reſtor'd to the *Greek* Empire; *A Conſtantinopolitano Sacerdotes accipiebant*, ſays *Nilo*.

WHEN the *Greeks* retook *Bari*, *Trani*, and other Cities of *Puglia* from the *Saracens* and *Longobards*, their Churches were likewiſe ſubjected to that Patriarch. *Theodore Balſamon* in the Account which he gave of the Sees ſubject to the Patriarchate of *Conſtantinople*, in the Reign of the Emperor *Andronicus Paleologus the Elder*, beſides the Eaſtern Churches, reckons amongſt the Weſtern the Church of *Bari* to be Number 31; that of *Trani* 44; that of *Otranto* 66; and that of *Reggio* in *Calabria* 38.

WHENCE according to the Teſtimonies of *Beatillus* [3] and *Chioccarelli* [4], there are many Original *Greek* Bulls preſerv'd in the Archives of the Cathedral Church of *Bari*, ſent by the Patriarchs of *Conſtantinople* to the Archbiſhops of that City, by which the Elections of the Archbiſhops are confirm'd; which continu'd all the Time that *Bari* (being likewiſe made a Metropolis of a conſiderable Dukedom, where the *Greek* Magiſtrate reſided) with *Puglia*, were ſubject to the *Greek* Empire, and until the *Greeks* were driven out of that Province by our valiant *Normans*. Whence to this Day all theſe Cities retain many Veſtiges of the *Greek* Rites and Cuſtoms; and they likewiſe keep up many *Greek* Titles denoting Dignity and Offices, as *Reggio* retains yet the *Protopapa*, and other Cities the *Cimeliarchæ*, and the Clergy as well *Greek* as *Latin*. And whence likewiſe, as *Leo Allaci* alſo obſerves [5], for a long time the Doctrine of the Eaſtern Church was maintain'd in our Kingdom by the Monks, particularly by the Order of S. *Baſil*, for which the famous *Barlaam* became renown'd with us, of whom we ſhall ſpeak in his Place.

WHEN the *Otho*'s govern'd in the Weſt, theſe Emperors endeavour'd to free our Churches in *Puglia* and *Calabria* from that Servitude, and to reduce them all as formerly under the Patriarch of the Weſt. For that end *Luitprandus* Biſhop of *Cremona*, about the Year 968, was ſent to the Emperor *Nicephorus Phocas*, but to no purpoſe; for the Reduction of all our Churches under the Pope, was reſerv'd to our *Norman* Princes, who having driven not only the *Saracens*, but likewiſe the *Greeks* out of *Sicily* and theſe our Provinces, made themſelves ſo well deſerving of the Church of *Rome*, that beſides the important Services they did her, they united all our Churches, as they were formerly, under the Direction and Diſpoſal of the Pope, to whom by Right they belong'd; as ſhall be ſeen in the following Books of this Hiſtory.

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[1] Luitprand. Legatio ad Niceph. Phoc. pro Ottonib.

[2] Ughel. de Archiep. Hydrun.

[3] Beat. hiſt. di Bari, lib. 1.

[4] Chioc. de Epiſc. Neap. A. 750.

[5] Allaci, lib. 2. cap. 17. pag. 828.

THE

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK VII.

THE Fall of our *Longobard* Princes, and the riſing up again of the *Greeks*, the Incurſions of the *Saracens*, and the ſo many Miſchiefs and Calamities which theſe our Provinces have ſuffer'd, ſhall be the Subject of this Book. We are going to relate the ſad and unfortunate Events which reduc'd them to a very miſerable and lamentable Condition. The *Longobard* Princes being divided amongſt themſelves, their inteſtine Broils ruin'd their State: Their Quarrels render'd the Authority of the Emperors of the Weſt of greater Force, who from Tributaries made them Feudatories. On the other hand, the *Saracens* being invited by our Princes themſelves, compleated their Deſtruction. The Principality of *Benevento*, all in Confuſion and torn to pieces, gave a fit Opportunity to other Nations, who taking advantage of ſo many Revolutions and Diſorders, invaded it on all Sides, which ended in their being ſubjected to the Dominion of another People. The Stubbornneſs of the *Capuans* was the Origin of ſo many Calamities, but much more the Villany of *Landulphus* their *Caſtaldus*.

THE *Capuans* hearing of the Election of *Radelchiſius* to be Prince of *Benevento*, were much diſſatiſfy'd; they were afraid that this Prince would not bear with their Treachery, and they were much more afraid of *Landulphus*. This laſt was accus'd of being privy to a Conſpiracy, which *Adelchiſius* the Son of *Roffridus* had fram'd againſt *Radelchiſius*, who having diſcover'd it, caus'd *Adelchiſius* to be thrown out of a Window, and endeavour'd to get hold of *Landulphus*, who having notice thereof, immediately fled. On the other hand *Siconolphus* Brother of *Sicardus* had been confin'd to a cloſe Priſon by his Brother, but ſoon after had made his Eſcape and for a long time was kept conceal'd by *Urſus* Count of *Conſa*, his Kinſman, at laſt having got to *Taranto*, he remain'd there; and *Radelchiſius* was no ſooner advanc'd to the Principality of *Benevento*, than he ſent *Dauferius* into Exile, who went to *Nocera* a City of the Dukedom of *Naples*, and began to ſollicite the *Salernitans* to join with *Landulphus* Count of *Capua* againſt *Radelchiſius*, in order to ſet *Siconolphus* the Brother of *Sicardus* on the Throne [1].

THE *Capuans* having likewiſe drawn in ſome *Beneventans* to their Party, call'd *Siconolphus* from *Taranto*, and made him come to *Salerno*, whither both the *Capuans* and *Beneventans* went and proclaim'd and elected him Prince in the Year 840. *Landulphus* join'd with him, took poſſeſſion of *Sicopolis*, and at the ſame time made a ſtrict Confederacy with the *Neapolitans*, who greedily embrac'd the Opportunity, in order to revenge themſelves of the *Beneventans* their old and obſtinate Enemies. *Siconolphus* became more bold by the Addition of ſo great Strength, made himſelf Maſter of *Salerno*, by defeating *Radelchiſius*'s Army, and forthwith poſſeſs'd himſelf of *Calabria*, and a great Part of *Puglia*, which he ſubjected to his Dominion; from whence carrying his victorious Standard towards *Benevento*, he took many Cities and Caſtles in that Neighbourhood, and likewiſe had the Boldneſs at laſt, being tranſported with ſuch a proſperous Run of Succeſs, to beſiege *Benevento* itſelf; but being boldly repuls'd by the *Beneventans*, he return'd to *Salerno*.

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[1] Erchemp. num. 15. Oſtienſ. lib. 1. c. 23.

SECT. I.

The Diviſion of the Principality of Benevento, *from which the Principality of* Salerno *had its Riſe.*

RADELCHISIUS ſeeing his State overturn'd, full of Rage and Fury march'd with all his Forces againſt *Siconolphus*, ſwearing openly, that he would live no longer if he did not extirpate him out of the Earth; but perceiving that his own Forces, and thoſe of his *Beneventans* were not ſufficient for ſuppreſſing ſo powerful an Enemy, who was daily gathering more Strength; being tranſported with Fury, and not minding the grievous Calamities to which he expos'd his State, deſign'd to apply worſe Remedies to ſo great Miſchiefs. As we have ſaid, many *Saracens* had come from *Sicily* in order to deſtroy us, who under their Leader *Calphus* were ravaging *Japygia*, and the Neighbourhood of *Bari*. *Pandon* was Governor of that City under *Radelchiſius*, who commanded him to invite the *Saracens* to his Aſſiſtance, which he obeying, got a great Number of them to come, whom he lodg'd without the Walls of *Bari*, on the Sea-ſhore; but the ſubtle *Saracens* knew well how to take Advantage of the Juncture, for they obſerving the Garriſon of the City, and its Situation, found they could maſter it: One Night on a ſudden they enter'd *Bari* by ſome hidden Places, made a terrible Slaughter of the Chriſtians, and poſſeſs'd themſelves of the City. Thus *Bari* from the *Longobards* came under the Dominion of the *Saracens*, afterwards the *Greeks* drove out the *Saracens*, and poſſeſs'd it for a long time.

RADELCHISIUS on the one hand deſirous to have *Siconolphus* humbled, after he was ingag'd in that Undertaking, not being able to carry on another War againſt the *Saracens* for turning them out of *Bari*, wink'd at the Fact, and beſides made them his Auxiliaries; therefore he invited them to make War againſt *Siconolphus*, whereupon having join'd his Forces with thoſe of the *Saracens*, they began ſo cruel and obſtinate a War, that they miſerably afflicted theſe our Provinces; *Siconolphus* on the other hand, with the ſame Rage and Fury, reſolv'd to oppoſe the Forces of *Radelchiſius* coſt what it would. He ſtood his Ground at firſt, and afterwards made a worſe Step than *Radelchiſius*, by inviting the *Saracens* from *Spain* to his Aſſiſtance, which compleated the Ruin of them both. There never had been ſeen in this our Country more cruel and terrible Slaughter, than what was made at this Time by the *Saracens* of both Sides; they laid *Capua* in Aſhes, burnt and deſtroy'd many Cities; and thoſe who kept Poſſeſſion of *Bari*, having taking *Taranto*, laid *Calabria* and *Puglia* waſte, and went as far as *Salerno* and *Benevento*. All was full of Slaughter and dead Bodies; the *Saracens*, like a Deluge, over-run our beautiful Country. Theſe Calamities continued for the Space of twelve Years; ſo that the *Beneventans* themſelves, being ſenſible of their own Miſery, and too late convinc'd of their Error, were forc'd, in order to calm ſo furious a Tempeſt, to have recourſe to the Aſſiſtance of the *French*, for driving out the *Saracens*, and making Peace betwixt theſe two Princes.

AT this Time the Emperor *Lothaire* govern'd the Empire of the Weſt and *Italy*, as we have ſaid, who had elected *Lothaire* II. his Son King of *Italy*, who afterwards ſucceeded him in the Empire. King *Lewis* was humbly intreated by *Landon* Count of *Capua*, the Son of *Landulphus*, and by *Adimarus* and *Baſſacius* the renown'd Abbot of *Monte Caſſino* (which during theſe Troubles had been often pillag'd) that he would be pleas'd to march to the Principality of *Benevento* with a powerful Army in order to drive out the *Saracens*, and make Peace betwixt theſe two Princes: *Lewis*, tho' but a Stripling, influenc'd by the Love of Glory, eaſily conſented to their Requeſt, and immediately march'd to *Benevento*; from whence having driven the *Saracens*, and confin'd them to *Bari*, now their Seat, he purg'd the other Provinces of *Benevento* of this Plague. Afterwards interpoſing his Authority, he was altogether bent on reconciling theſe Princes, whom at laſt he brought to a ſettled Agreement, by dividing betwixt them all the Provinces of *Benevento*, ſo that two Principalities were made out of one; that of *Benevento* was kept by *Radelchiſius*, the other of *Salerno* was confirm'd to *Siconolphus*, both of them taking an Oath of Fidelity to *Lewis*, whom at laſt they acknowledg'd for their Sovereign. Thus were theſe our Provinces, excepting the Dukedom of *Naples*, and thoſe Cities that were ſubject to the *Greek* Emperors, brought under the Dominion of the Emperors of the Weſt, who as Kings of *Italy* pretended to exerciſe the ſame Authority over them, as the *Longobard* Kings had done.

THESE were the pernicious Conſequences which our *Beneventans* brought upon themſelves by the Civil Wars which they carried on and maintain'd in their own Country. I. Their being oblig'd to acknowledge *Lewis* for their Sovereign, and ſwear Fealty to him, which *Charles the Great* himſelf, nor *Pepin* his Son could not obtain from *Arechis* nor *Grimoaldus*. And tho' the other *Grimoaldus* third Prince of *Benevento*, and *Sico* and *Sicardus* who ſucceeded him, made themſelves Tributaries to the *French*, yet they never went ſo far as to make themſelves Feudatories. Which, tho' it did not derogate from their ſtill being Sovereigns of their Principalities, becauſe ſworn Fealty, and Aſſiſtance in War, neither diminiſh the Liberty of the Vaſſal as to himſelf, nor the abſolute Power which he has over his Subjects; yet (which can't be deny'd) it debaſes and impairs the Splendor of a Sovereign State, which without doubt, is not ſo pure and majeſtick when it's clogg'd with theſe Burdens; ſo that *Bodinus* [1] is of Opinion, that tho' tributary Princes, or thoſe under Protection, ought to be reputed Sovereigns, yet for all that, Feudatories are not to be eſteem'd ſuch; of which we ſhall have a more fit Opportunity to diſcourſe. II. To ſee a Principality divided into two, which of conſequence brought on a ſecond Diviſion, that of *Capua* ſtarting up, and which of courſe muſt ruin them at laſt, and they become a Prey to other Nations. III. Their having brought a moſt troubleſome Thorn within their own Bowels, ſuch as the *Saracens* were, who being fix'd in *Bari*, it was not long before they over-run both the Principalities anew; ſo that their own Forces not being ſufficient, they were neceſſitated to have recourſe to foreign

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[1] Bodin. de Repub. cap. 6.

Aſſiſtance in order to ſuppreſs them, and by that means render'd the Authority that the *French* had acquir'd over them the greater.

THIS Diviſion was made in the Year 851, betwixt *Adelchiſius* and *Siconolphus*, to which almoſt all the Counts and *Caſtaldi* of the Principality of *Benevento* likewiſe conſented, and very many of them, together with theſe two Princes, ſeal'd it. We read to this Day the Articles of this Diviſion made by *Radalchiſius* in *Pellegrinus*, wherein the Bounds of theſe two Principalities are diſtinctly deſcrib'd.

UNDER the Principality of *Salerno* many *Caſtaldati* and Caſtles were comprehended; *Taranto*, *Latiniano*, *Caſſano*, *Coſſenza*, *Laino*, *Lucania*, by ſome call'd *Peſto*, *Conſa*, *Montella*, *Rota*, *Salerno*, *Sarno*, *Cimiterium*, *Furculo*, *Capua*, *Teano*, *Sora*, and the half of the *Caſtaldatus* of *Acerenza*, on that Side where it joins *Latiniano* and *Conſa*.

St. ANGELO *ad Cerros*, which includes the Rocks of *Monte Virgine*, as far as the Place call'd *Feneſtella*, was made the Boundary betwixt *Benevento* and *Capua*. Betwixt *Benevento* and *Salerno*, the Place call'd *Alli Pellegrini* was made the Limit; and betwixt *Benevento* and *Conſa Staffilo* was the Boundary.

THE whole Province of *Benevento* being divided after this manner, the North Part, which joins to the *Adriatick* Sea, remain'd to *Radalchiſius* Prince of *Benevento*; the South Part, which joins to the *Tyrrhenian* Sea, fell to *Siconolphus* Prince of *Salerno*. Whereupon *Salerno* being made the Seat of Princes, began to raiſe its Head above the other Cities of this Province; a City in thoſe Days very ſtrong and well provided, which *Arechis*, as we have ſaid, had fortified and ſurrounded with very ſtrong Towers and Walls, in order to have it for a Place of Refuge and Safeguard in caſe of Diſtreſs.

THERE were likewiſe many other Conditions agreed to in this Diviſion, amongſt which the moſt Material and Principal were, that *Radalchiſius* promis'd not to diſturb the Principality of *Salerno*, and to acknowledge for lawful Princes, *Siconolphus*, and whoever he ſhould chuſe for his Succeſſor; to join their Forces together for driving the *Saracens* out of their Dominions; that no Hoſtilities ſhould be committed by the People of the Principalities on either Side, but every one allow'd to live where they thought fit, and to return to the Cities and Caſtles where their Habitations were, every one to enjoy quietly their own Poſſeſſions; and that thoſe who were deſirous to go from the Principality of *Salerno*, to the Sanctuary of St. *Michael* in Mount *Gargano*, comprehended in the Principality of *Benevento*, ſhould not be moleſted, but be allow'd to paſs without Oppoſition or Damage; that all Biſhops, Abbots, and the inferior Clergy, ſhould return to the Biſhopricks of their own Dioceſſes, and to their Churches and Monaſteries; and if they ſhould refuſe, not having a lawful Excuſe, they were to be oblig'd by force to return to their Places of Reſidence, as well the Biſhops as all the other Clergy, excepting thoſe however, who ſerv'd the Prince in his Palace, or thoſe who had been compell'd to take Orders; that all Monks and Nuns ſhould return to their Monaſteries where they formerly liv'd, excepting thoſe who to pleaſe others had enter'd by Force, and thoſe who ſhould be employ'd in the Palace; that all the Goods of the Churches, Biſhopricks, and Monaſteries, that were under Rules, or belong'd to Hoſpitals, ſhould be taken account of, and according to their Value ſhould pay the wonted Tax to the Prince; excepting nevertheleſs the Monaſteries of *Monte Caſſino*, and St. *Vincent* in *Vulturno*, which being immediately under the Protection of the Emperor *Lothaire*, and King *Lewis* his Son, were to keep their Privileges, Prerogatives, and Superiorities intire; excepting alſo the Goods of the Abbots and Canons who ſerve in the Palace. Many other Stipulations were agreed to, each of them promiſing Performance with ſolemn Oaths; and for the greater Security, the Authority of the Emperor was likewiſe interpos'd: They gave alſo their Paroles to *Lewis*, who was preſent, and to *Lothaire* his Father, calling him *Our Emperor* (by reaſon of the Oath of Fealty) faithfully to obſerve theſe Stipulations. The Peace being concluded, the Priſoners were deliver'd up, *Peter* the Son of *Landon* was deliver'd to *Siconolphus*, and alſo *Poldefrit* the Son of *Pandulphus*; and on the other hand, *Adelgiſus* and *Ladelgiſus* the Sons of *Radalchiſius* were deliver'd to him, with *Poto* his Nephew. And *Lewis* thinking that he had quieted all the Diſturbances of theſe Provinces, return'd to *France*.

THO' this Peace had been thus ſettled, yet *Siconolphus* Prince of *Salerno* did not long enjoy the Fruits of it, for ſoon after, in the ſame Year 851. *Siconolphus* the firſt Prince of *Salerno* died, after ten Years and ſome Months uneaſy and imbroil'd Reign from the Day of his being proclaim'd Prince, which was in the Year 840; he was a Prince of extraordinary Valour, but Death robb'd him of the Enjoyment of the Fruits of his ſo many Fatigues. He left *Sico* his only Son, as yet a ſucking Child, Heir to his Principality, and left him *Peter* [1] for his Tutor.

SOME Months after *Radalchiſius* likewiſe died; the *Beneventans* did not fail to erect him a magnificent Tomb, on which in many Verſes they ſet forth his Virtues. They did the ſame to *Caretruda* his Wife, by whom *Radalchiſius* had twelve Children: *Radelgarius* was elected in his Room, who govern'd a few Years, and died in the Year 854, to whom the *Beneventans* likewiſe erected a ſtately Tomb [2]. *Ajo* [3] another of his Sons was Biſhop of *Benevento*; and *Adelgiſus* on the Death of his Brother ſucceeded: The reſt were Counts and valiant Captains.

BUT in the mean time, about the Year 852, the *Saracens* who had fix'd their Reſidence in *Bari*, over-running *Puglia* and *Calabria*, advanced to *Salerno* and *Benevento*; neither were the Forces of *Radelgarius* and *Sico* ſufficient to repulſe ſuch a furious Attack; they were oblig'd anew to have recourſe to *Lewis*, for which purpoſe the two famous Abbots *Baſſacius* of St. *Benedict*, and *James* of St. *Vincent* were appointed, who having repreſented the cruel Slaughter which the *Saracens* had made of the *Beneventans*, they intreated him that he would come and drive them away; for which the *Beneventans* offer'd to become his moſt faithful Servants, and to give him Power of ſubjecting them to the meaneſt of his People [4]. *Lewis* came immediately to *Italy*, and march'd directly to *Bari*; but the *Capuans* and *Salernitans*, unmindful of their Promiſes, having withdrawn all the Aſſiſtance neceſſary for carrying on the War againſt the *Saracens*, had hid themſelves; at which *Lewis* was much offended, and being well appris'd of their Treachery, he us'd them very ſeverely; and ſeeing that *Sico*, by reaſon of his tender Age, was unfit for Government, he committed the Principality to the Government of *Ademarus*, a gallant and famous Captain, the Son of the abovenam'd *Peter* [5], and return'd to *France*, taking along with him *Sico* yet an Infant.

THUS did our *Longobard* Princes begin to feel the heavy Burden of a foreign Yoke, by which their Dominions came not only to be diſpos'd of, but tranſferr'd from one Family to another; for *Ademarus* not long after, in the Year 856, *Sico* being dead, began abſolutely to uſurp the Principality, which he held for near ſix Years, until the Year 861, when, by the Inſtigation of Count *Landon* and *Landulphus* Biſhop of *Capua*, he was impriſon'd by *Guaiferius* the Son of *Dauferius the Stammerer*, who ſucceeded him, and afterwards in the Year 866, when the Emperor *Lewis* II. return'd to the *Hither Italy*, had his Eyes put out.

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[1] Pel. Stemm. Pr. Saler.

[2] We likewiſe read of theſe Tombs in Pellegrinus's Hiſtory.

[3] Erchemp. num. 20. Et ſimus inquiunt, fideliſſimi famuli ejus, conſtituatque nos ſubeſſe cuilibet ultimo ſuorum.

[4] Ignot. Caſſin. n. 13. Anon. Salern. in edit. apud Pell.

[5] Chron. Salernit. Erchemp. num. 26. Anon. Salern. inedit. hiſtoriola Ignoti Caſſin. num. 22. Aemarius junctus cum Neapolitanis intebatur quiddam doloſe erga ſuos; ob hoc oculi ejus avulſi, ſpernitur a Principatu, & Warſerius Salerni factus eſt Princeps. Nam dominus Ademarius Suram, Arpinum, vicum Album, & Autinum tradidit Francis, id eſt Widoni Comiti. In his locis præerat Landulfus Caſtaldius quædam amiſiſſet loca, præ nimia eſt triſtitia defunctus.

SECT. II.

The Origin of the Principality of Capua.

THE disjoining of *Capua* from the Principality of *Salerno* was the Occaſion of greater Miſchiefs; for *Landulphus Caſtaldus* of *Capua* would no longer obey the Prince of *Salerno*, to which his *Caſtaldatus* was ſubject, according to the Diviſion of *Radalchiſius*; but making himſelf Lord of it, one Principality became three, that of *Benevento*, *Salerno*, and *Capua*; tho' *Landulphus* did not aſſume the Title of Prince, but of Count, ſo that the Race of the Counts of *Capua* began in him;

nevertheleſs he govern'd his County with abſolute Authority; and dying in the Year 342, *Landulphus* his Son, who ſucceeded him, likewiſe govern'd the County thirteen Years and nine Months with abſolute and independent Sway. He tranſported the Inhabitants from the ancient *Capua*, alſo call'd *Sicopolis*, to the new, which he erected in the Year 856. near to the Bridge *Caſſilino*, three Miles diſtant from the Ancient; and it is the ſame which is now fortified with ſtrong Towers and Walls, and reckon'd the ſtrongeſt Bulwark in the Kingdom.

THE other *Landon* his Son, third Count of *Capua*, govern'd the County as his Grandfather and Father had done, independently of the Princes of *Salerno*; and thus thereafter thorough a long Succeſſion of Counts governing this County with abſolute Sway, it continu'd disjoin'd from the two Principalities of *Benevento* and *Salerno*; ſo that we read [1], that *Landulphus*, on the laſt Day of his Life, with his laſt Breath, call'd his Sons to him, and left them this Command, That they ſhould always make it their Buſineſs to foment Diſſention and Quarrels betwixt the Princes of *Benevento* and *Salerno*, becauſe otherwiſe they could not expect to preſerve long the State which he had acquir'd from the Spoils of thoſe two Principalities. In effect the Sons carefully obſerv'd their Father's Command, tho' it was contrary to that which Chriſt gave to his Diſciples; for after his Death, they, as is ſaid, threw off the Yoke altogether, and by no means would obey *Siconolphus* Prince of *Salerno*, and eſpecially *Landonulphus* one of the ſaid Sons, was always in Oppoſition to him, and ungrateful; and they not only obſerv'd this Command, but they tranſmitted it to their Poſterity as a perpetual Deed of Truſt, leaving it as an Inheritance to their Succeſſors [2].

THUS the Principality of *Benevento* being divided, a new Polity was introduc'd, and new Diſturbances began to confound and turn theſe our Provinces topſy-turvy, becauſe Emulation and Quarrels beginning betwixt theſe Princes, Wars often follow'd, and by fighting amongſt themſelves they gave freſh Occaſions for the frequent returning of the *French*, and encourag'd the *Saracens* to make War with them, and to make themſelves more powerful in thoſe Places which they had poſſeſs'd.

THE Diſorders did not end here, foraſmuch as the *Neapolitans* taking Advantage of theſe Diviſions, and refuſing to pay Tribute to the *Beneventans*, and becauſe they were often aſſiſted by the Rival Princes, became more daring, and thereby the Feuds continu'd to be the more irreconcilable and cruel.

THE Polity which by Degrees was afterwards introduc'd was worſe, for tho' formerly the Principality of *Benevento* was divided into many Counties and *Caſtaldati*, yet each of them was govern'd as formerly by one ſingle Prince; but afterwards the Princes of *Benevento*, thoſe of *Salerno*, and eſpecially the Counts of *Capua*, divided the *Caſtaldati* and the Counties among their Sons; thus each Principality being ſplit into many Counties, the Counts, tho' Subjects, began to ſet up for themſelves, which was the Occaſion that the Fiefs were increas'd in our Kingdom after ſo many different manners. Thus did *Landulphus* both Count and Biſhop of *Capua* divide that County ſo imprudently amongſt the Sons of his three Brothers, that for ever after there aroſe endleſs Quarrels and Wars.

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[1] Erchemp. num. 22.

[2] Ibid. Atque ſuis hæredibus in jus perpetuum, ſicut a parte acceperant, reliquerunt.

[3] Ibid. num. 31.

SECT. III.

The Expedition of the Emperor Lewis *againſt the* Saracens; *and his Impriſonment in* Benevento.

THE *Saracens* took Advantage of ſo great Confuſion, who from *Bari* frequently over-running the Province of *Benevento* putting all to Fire and Sword, oblig'd the *Beneventans* to have recourſe to the *French*. But being unable to defend themſelves with their own Forces and thoſe of the *French*, they likewiſe had recourſe to others for Aſſiſtance; *Majelpotus Caſtaldus* of *Teleſe*, and *Guandelpertus Caſtaldus* of *Bojano*, with humble Submiſſion and Prayers, had recourſe to *Lampertus* Duke of *Spoleto*, for ſuppreſſing the Power of the *Saracens*, who notwithſtanding all theſe Auxiliaries turn'd their *Caſtaldati* topſy-turvy, and defeated them.

FOR this Reaſon the *Beneventans* and *Capuans* were oblig'd to have recourſe anew to the Emperor *Lewis*, who going to *Benevento* by the way of *Sora*, was met by the Ambaſſadors of many Cities imploring his Aſſiſtance. *Landulphus* Biſhop and Count of *Capua*, who had ſucceeded his Brother *Landon* III. Count of *Capua*, with his Nephews, likewiſe came to meet him. He was receiv'd by *Guaiferius* who had ſucceeded *Ademarus* in *Salerno*, and at laſt by *Adelgiſus* in *Benevento*.

THUS *Lewis* in the Year 867. at the Head of a powerful Army compos'd of his own Troops and thoſe of our *Longobard* Princes, march'd towards *Bari*, defeated the *Saracens*, impriſon'd *Seodam* their King, took *Bari*, which he reſtor'd to the Prince of *Benevento*; took *Matera*, garriſon'd *Canoſa*, and carried his victorious Arms to *Taranto*, where the *Saracens* had fortified themſelves, to which City he laid cloſe Siege; from whence full of Glory and Triumphant he return'd to *Benevento*. And being ſpurr'd on by the Run of his Fortune, he likewiſe pretended to exerciſe his Sovereignty over the *Amalphitans*, and the Dukedom of *Naples* itſelf, taking them under his Protection, and giving Aſſiſtance ſometimes to the one, and ſometimes to the other, at which *Baſilius Macedo*, Emperor of the Eaſt, to whom the *Neapolitan* Dukedom and the *Amalphitans* were ſubject, was juſtly offended; he complain'd grievouſly of *Lewis*, accuſing his imperious way of treating thoſe People, as if he had a mind to ſubject them to his Dominion. *Lewis*, who did not think it proper at this Juncture to draw new Quarrels upon himſelf with the *Greeks*, in order to quiet the Mind of *Baſilius*, wrote him a civil Letter, in which he proteſted, that he had no Deſign any manner of way to incroach upon the Dukedom of *Naples* which belong'd to the *Greek* Empire; and that he had only meddled in theſe Affairs for aſſiſting the Oppreſs'd.

BUT whilſt *Lewis* ſtaid in *Benevento*, there happen'd to him an Adventure, the like of which had never fallen out to any Emperor of the Weſt. The *French* being puffed up with their preſent Proſperity, not knowing how to keep themſelves within Bounds, ill treated the *Beneventans*, and us'd them inſolently and too ſeverely; which they not being able to bear, at laſt brought their Prince *Adelgiſus* to think of ſhaking off the ſhameful Yoke, and having *Lewis* within their City, reſolv'd to arreſt him, and make him Priſoner. Others relate, that *Adelgiſus* was mov'd ſo to do, not ſo much at the Inſtigation of his *Beneventans*, as by the Perſuaſion of the Emperor *Baſilius*, who was no ways pleas'd with the Progreſs of *Lewis*; however that may be, *Lewis* having diſbanded his Army, remain'd in *Benevento* with a ſmall Garriſon; ſo that in the Month of *Auguſt* in the Year 871, on a ſudden he was arreſted by the *Beneventans*, and put in a ſecure Priſon [1]; his Goods were ſeiz'd, and the *French* that were upon Guard, after having been plunder'd, were oblig'd to flee; *Lewis* was kept in Priſon forty Days, neither did they think of ſetting him at liberty until the *Saracens* having anew over-run the Province of *Salerno*, and their Number increaſing to Thirty thouſand, they laid Siege to *Salerno*, and ſtruck Terror in all the *Longobard* Princes, and eſpecially in *Adelgiſus*. Upon ſuch a Revolution of Affairs *Lewis* was ſet at Liberty, but *Adelgiſus* firſt made him promiſe by a ſolemn Oath, never to enter within the Bounds of *Benevento* all the Days of his Life, and that he ſhould never revenge himſelf upon the *Beneventans* for what he had ſuffer'd at this Time, which *Lewis* promis'd *multis adjunctis execrationibus*, ſwearing upon the Relicts of the Saints, and God's holy Evangels.

LEWIS left *Benevento* about the End of the Year 871, and ſtopp'd eleven Months in *Veroli*; during which time he went to *Rome* and was crown'd *Anno* 872, by *Adrian* II. the Year before that Pope died, as *Aimoinus* will have it [2]; tho' ſome Modern Writers aſſert it to have been the preceding Year that he was crown'd by *Adrian*. Altho' *Lewis* took the Crown but at this Time, yet he had been advanc'd to the Empire from the Year 856, when the Emperor *Lothaire* his Father became Monk, and divided the Empire amongſt his three Sons, aſſigning *Rome* and *Italy* to *Lewis*; *Auſtraſia* to *Lothaire*, whence afterwards it was call'd *Lotharingia*; and *Burgundy* to *Charles*, as we have ſaid.

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[1] Erchemp. num. 34. Leo Oſtienſ. lib. 1. cap. 36.

[2] Lib. 5. cap. 208.

NOTWITHSTANDING *Lewis* with ſolemn Oaths had promis'd never more to enter within the Limits of *Benevento*, yet in the Beginning of the Year 873. he broke that Agreement, and with a ſtrong Army advanc'd as far as *Capua*.

IN thoſe Times Princes were ſo influenc'd by Religion, that they never or ſeldom broke their Oaths; but from the Time of *Gregory* II. and *Zachary*, the Popes had found ways and means to break thoſe Chains, and abſolve their Conſciences; whence afterwards not only the Popes, but alſo the Biſhops aſſum'd to themſelves a Power of abſolving from Judicial, or other Oaths. By this, and by granting Diſpenſations in matrimonial Caſes, which formerly were granted by the Princes, they became both terrible and neceſſary to Princes. *Lewis* who had no mind to return to *Benevento* contrary to his Oath, was immediately made eaſy by *John* VIII. who a little before had ſucceeded to *Adrian* II. He told him, that Oaths, extorted by Force, and with ſo much Indignity, were no ways binding, therefore he abſolv'd him from all the Promiſes made to the *Beneventans*. There are ſome who write [1], that *Lewis* nothwithſtanding this Abſolution, that he might not be reckon'd perjur'd, would not put himſelf at the Head of his Army, but cheating himſelf, ſubſtituted his Wife *Engilberga* in his Place, that in his Name, and under his Authority ſhe might carry on the War. He came to *Capua*, and on his March defeated the *Saracens*, and confining them to *Taranto*, he went to revenge himſelf of *Adelgiſus*, and endeavour'd to make himſelf Maſter of *Benevento*. Some again have written, that being ſeiz'd with Fear, he fled to the Iſland of *Corſica*; but whether he did not ſucceed in it, as *Erchempertus* relates, or that many Counts, and the Pope himſelf interpos'd for agreeing them, there was a Peace concluded betwixt them, and *Adelgiſus* with thoſe of his Party were reſtor'd to *Lewis*'s Favour. *Landulphus* Count and Biſhop of *Capua*, who had aſſiſted powerfully in theſe Skirmiſhes with the *Saracens*, was likewiſe pardon'd.

SO great was the Intimacy which *Landulphus* contracted with the Emperor, that beſides his having obtain'd from him the chief Honours, he claim'd the whole Province of *Benevento*, and that *Capua* ſhould be made a Metropolis; which, as *Erchempertus* relates, he could not bring to bear, for *Capua* did not get that Preeminency before the Year 968. from Pope *John* XIII.; and *Benevento* a Year after by the ſame Pope was erected into a Metropolis; the Cuſtom was afterwards introduc'd into theſe our Provinces, that the Popes, and not the Princes, rais'd Biſhops to be Metropolitans, and Cities Metropolis's, of which we ſhall have a more proper Opportunity to diſcourſe.

LEWIS after having continu'd a Year in *Capua* and theſe our Provinces, and given many and terrible Defeats to the *Saracens*, the following Year 874. went to *France*, with a Reſolution never to return any more to theſe our Parts; for in this Year, as ſome have ſaid, or in the following according to the Annals of *France*, and the Modern Authors, he ended his Days in *France*, and not in *Milan*. A moſt glorious Prince, and to whom theſe our Provinces are ſo much beholden, that if he had not ſo often reliev'd them from the frequent and great Incurſions of the *Saracens*, they had been totally and effectually ſubjected to their Dominion. We have many Monuments of the Piety of this Prince, in the many Monaſteries of the Order of St. *Benedict* founded by him in *Abruzzo*, which *Leo Oſtienſis* does not forget in his Chronicle. The Donation, or rather Confirmation of former Donations, made by *Pepin* and *Charles the Great* to the Church of *Rome*, ought not to be attributed to this *Lewis*, as the Abbot of *Noce* [2] believ'd, but to *Lewis the Pious*, Son of *Charles the Great*, in the Time of *Paſchal* I.; neither does it include any more than what *Pepin* and *Charles* gave, which is manifeſt from the Chronicle of *Leo Oſtienſis* [3].

BY *Lewis*'s Death falling out in the Year 874, or the following, we clearly ſee the Error of thoſe who believ'd, that *Lewis* having retaken *Bari* from the *Saracens*, had reſtor'd it to *Baſilius* Emperor of the Eaſt; for the *Saracens*, aſſoon as *Lewis* had left *Italy*, and gone to *France*, immediately ſallied out of *Taranto*, to which they had been confin'd, and went and ravag'd *Bari* and the neighbouring Places;

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[1] Sigon. de Regn. Ital.

[2] Ab. de Noce in Judice ver. Ludovicus.

[3] Leo Oſtienſ. lib. 1. cap. 16.

whereupon the People of *Bari* in the Year 876. after *Lewis*'s Death, not being able to bear the Cruelty of theſe Barbarians, invited *Gregory* Governor of *Otranto*, and brought him and his *Greeks* into their City, as *Erchempertus* [1], and *Lupus Protoſpata* [2] relate.

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[1] Erchemp. num. 38.

[2] Prot. ad A. 875.

CHAP. I.

Charles the Bald *ſucceeds in the Empire of the Weſt: New Incurſions of the* Saracens, *accompanied with other Revolutions and Diſorders.*

THE Death of *Lewis* occaſion'd ſuch Confuſion, that not only theſe our Provinces, but a great Part of *Italy* were thereby afflicted, and fill'd with new Calamities. From the Time of *Charles the Great* till now, there had been no Diſturbances on account of the Succeſſion to the Empire. The laſt Wills of the Princes laying aſide all ambiguous and ſubtle Quirks now in uſe, were receiv'd with the utmoſt Reſpect by the Succeſſors; whatever they commanded was readily obey'd; and if the reigning Emperor in his Life-time appointed a Collegue, or at his Death a Succeſſor, his Will was an inviolable Law. Thus did *Charles the Great* by *Pepin* and *Lewis*; *Lewis* by *Lothaire*, and at laſt *Lothaire* by the other *Lewis*. Hitherto for the Election of the Emperor of the Weſt there was no need of calling Aſſemblies or *Comitia*; out of a bare and pure Ceremony introduc'd by Cuſtom, they had recourſe to the Popes for Conſecration and Coronation. But *Lewis* having left no Male Iſſue, the *French* and our *Italians* began to contend for the Empire. In *France* the moſt ſtickling Pretenders were *Charles the Bald*, King of *France*, the Son of *Judith*, and Brother to *Lothaire* the Father of *Lewis*, and *Lewis* King of *Germany*, Brother to the ſame *Lothaire*, to whoſe Share, according to the Diviſion made, *Germany* had fallen, and a Part of *Loraine*, which a few Years before had by an Agreement been divided betwixt him and his Brother *Charles*, ſo that both the Pretenders were Uncles to the deceas'd *Lewis*.

AT other times in the Courſe of this Hiſtory we have on many Occaſions ſeen, that the Quarrels of Princes have always ended in the Increaſe of the Dignity and Authority of the Popes; which is more clear and evident from this than any preceding Event. In this Competition for the Empire of the Weſt, there were two Things neceſſary to be compaſs'd by the Rivals, in order to ſucceed in the Matter; to wit, firſt to enter *Italy* with an Army, and next to procure the Good Will of the Pope, becauſe by the Solemnity of the Coronation he could immeditely make the Matter eaſy, it being a Ceremony which by the People was reckon'd the moſt certain Sign of being aſſum'd to the Imperial Throne. *Charles the Bald* was no ſooner appriz'd of the Death of his Nephew, than he immediately enter'd *Italy*, and prevented his Brother *Lewis*, who had ſent his Sons *Charles the Groſs* and *Carlomann* to put a Stop to *Charles*'s March, but they came too late and could do nothing; at which *Lewis* being much inrag'd, he with his third Son *Lewis* invaded *France*, where he vented his Paſſion in a moſt Hoſtile manner.

IN the mean time *Charles the Bald* having ſolicited Pope *John* VIII. to favour his Undertaking, advanc'd towards *Rome*; this Pope was unwilling to loſe ſo fair an Opportunity, by which he might reap both Advantages to himſelf and his See: after having brought the *Romans* to his beck, he ſent two Biſhops to invite *Charles* to *Rome* to take the Imperial Crown, which he had ready for him, having made Choice of him above all the Pretenders. *Charles* came to *Rome*, and in the Church of the *Vatican*, with great Acclamations and Solemnity, was crown'd by *John* on *Chriſtmas* Day, in the Year 875, and proclaim'd *Auguſtus*, and took an Oath always to employ his Arms againſt the Enemies of the See, and to defend it with all his Power. The Pope by this Fact aſſum'd much more to himſelf than ever any of his Predeceſſors had done on the like Occaſion, for if that Oration made to the Biſhops be his, as we read in *Sigonius* [1], he ſpeaks in ſuch a Stile as if *Charles* had abſolutely receiv'd the Empire from him, and his Election had ſolely belong'd to him; ſo that from that Time forward it has been pretended by the Popes, that the Title of Emperor was a pure and downright Favour beſtow'd by the Pope, and therefore they began to number the Years of the Empire from the Day of the Pontifical Conſecration; and *John*'s Succeſſors have had the Aſſurance to tell the Emperors of the Weſt to their Face, that the Empire was their free Gift: but of this more in another Place.

'TIS likewiſe ſaid, that *Charles* in return for the ſo many Favours he had receiv'd from the Pope on this Occaſion, beſides his having adorn'd the Church of St. *Peter* with Gifts of great Value, yielded to the Pope the Sovereignty of *Rome*, which the other *French* Emperors his Predeceſſors had always reſerv'd, and that it was not before this Time that this City was put under the independent and abſolute Dominion of the Pope; but all theſe Accounts appear to be Fables, when we conſider what the *Otho*'s, Emperors of the Weſt, did in *Rome*, as we ſhall ſhew by-and-by.

AS ſoon as *Charles* had diſpatch'd his Affairs in *Rome*, according to the Cuſtom of the other Kings of *Italy*, he went to *Pavia*, and there, as his Predeceſſors had been, he was crown'd by the Archbiſhop of *Milan*, and proclaim'd King of *Italy*; whereupon ſoon after in the ſame City he eſtabliſh'd many Laws for the good Government of it.

CHARLES during all his Life-time enjoy'd the Empire, and the Kingdoms of *Italy* and *France* without any Diſpute, for *Lewis* of *Germany* his Brother, who died in *Frankfort* on the 28th Day of *Auguſt* in the Year 876, left ſubject Matter enough for his Sons to make War elſewhere. *Lewis* left three Sons, amongſt whom, according to the dangerous Cuſtom introduc'd into *France*, he divided the paternal Kingdom. *Bavaria*, *Bohemia*, *Carinthia*, *Sclavonia*, *Auſtria*, and a Part of *Hungary* fell to *Carlomann*'s Share. To *Lewis*, *Franconia*, *Saxony*, *Friſia*, *Thuringia*, the *Lower Loraine*, *Cologn*, and many other Cities upon the Banks of the *Rhine*. To *Charles the Groſs*, *Germany* from the Main to the *Alps*, and the other Part of *Loraine*.

BUT whilſt the Emperor *Charles* govern'd *France* and *Italy*, the *Saracens*, whom *Lewis* II. had coop'd up in *Taranto*, return'd anew to plague theſe our Provinces, and over-running as far as *Bari*, threaten'd Slaughter and Deſtruction to the other Provinces likewiſe. Therefore the *Neapolitans*, the *Amalphitans* and *Salernitans*, having none to whom they could have recourſe for Relief againſt the threatning Irruptions, which they could not withſtand with their own Forces, were oblig'd to treat with the *Saracens* for a Peace the beſt way they could, which they would not hear of, but upon Condition that they ſhould all join their Forces together, and with their united Troops march againſt the *Roman* Dukedom, and *Rome* itſelf; the Confederacy was agreed to on theſe hard Conditions [2], of which Pope *John* being appriz'd, had immediately recourſe to the Emperor, who ſent to his Aſſiſtance *Lambertus* Duke of *Spoleto*, and *Guido* his Brother. The Pope himſelf in the Year 876. came to *Naples* accompanied by them, and in theſe our Provinces commanded the Expedition. This was the firſt Time that a Pope was ſeen at the Head of an Army, in all Appearance on a very pious Occaſion, for ſuppreſſing the Cruelty of the *Saracens*, who had a Mind to overturn his State, and overthrow the Pontificate. *John* us'd all Means poſſible in order to break this Confederacy, and to draw to his own Side thoſe Princes who were confederated with the *Saracens*;

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[1] Sigon. de Reg. Ital.

[2] Erchemp. num. 39.

and ſo inſtant was he with *Guaiferius* Prince of *Salerno*, that he not only made him leave the Confederacy, but turn his Arms againſt the obſtinate *Neapolitans*.

SERGIUS was this Year Duke of *Naples*, who for having impriſon'd *Athanaſius* his Uncle, Biſhop of *Naples*, was hated by many; he on no account would break off from the *Saracens*, notwithſtanding the Rebukes of the Pope; therefore he was immediately excommunicated by the ſame Pope, and *Guaiferius* march'd againſt him, fought with the *Neapolitans*, and made two and twenty of them Priſoners, whom the Pope cauſed all to be beheaded [1].

AT this Time *Athanaſius* Brother to *Sergius* was Biſhop of *Naples*, who had ſucceeded the other *Athanaſius* his Uncle in that See, who, in order to do a Thing acceptable to the Pope, laying aſide the Ties of Blood and Nature, being likewiſe ſpurr'd on by Ambition, impriſon'd his own Brother, and having put out his Eyes, preſented him to the Pope in *Rome*. *John* lik'd the Preſent much, and kept him in *Rome*, where he miſerably ended his Days [2]. *Athanaſius* afterwards got himſelf to be elected Duke in the Room of *Sergius*; and thus, according to ſome late Precedents, he became both Biſhop and Duke of that City. This *Athanaſius* was a Man of a turbulent Spirit, and who during his Government diſturb'd all the other Princes his Neighbours, and turn'd theſe our Provinces upſide down. He, in order to ſave his own Dukedom, not minding his Epiſcopal Dignity, nor regarding any Thing but his own Ambition, made no ſcruple to renew the League with the *Saracens*; he prepar'd Quarters for them near *Naples*, and join'd them with his *Neapolitans*, and put the *Beneventans*, the *Capuans*, and the *Salernitans* into the utmoſt Confuſion, by making Inroads to the very Borders of *Rome*, where there was nothing that was barbarous but he attempted, plundering where-ever he went.

THE Pope ſeeing this, fulminated his terrible Anathema's againſt *Athanaſius*, and in the Year 881. excommunicated and curs'd him; and according to *Erchempertus*, did the ſame by the City of *Naples*: Which the Letters of this Pope, yet extant, teſtify [3]. He likewiſe excommunicated the *Amalphitans* [4]. The ſame had happen'd to the *Salernitans* and *Guaiferius* their Prince, if, being terrified by ſuch Thunderings, they had not broke off from the League. And beſides the Pope ſeeing that the *Saracens* in great Shoals over-run the Country on all Sides, likewiſe wrote many Letters, and ſent many Ambaſſadors to *Charles the Bald*, whom he put in mind of the many Favours done him, which haſten'd him immediately, after the Example of *Lewis* his Predeceſſor, to come to *Italy* with a powerful Army, in order to drive them away, otherwiſe all had gone to Ruin, and *Rome* had fallen into the Hands of the Barbarians, to the irreparable Ruin of that See, of which he had ſworn to be the Defender.

THESE Examples ought to convince us that the Opinion of thoſe is very diſputable, who have written, that general local Interdictions were not older than the Time of *Gregory* VII.; and that this Pope was the firſt that introduc'd them into the Church, by puniſhing the People for the Wickedneſs of the Princes; for if what *Erchempertus* relates be true, who flouriſh'd about the ſame Time, or a little after, the City of *Naples* actually underwent ſuch a Misfortune on account of the Treachery and wicked Practices of its Biſhop and Duke, who oblig'd the *Neapolitans* to enter into a Confederacy with the *Saracens*. Beſides, not to mention more ancient Examples of other Countries, we have another remarkable Inſtance in the Principality of *Benevento*, where the Emperor *Henry* II. had appointed *Pandulphus* to be Governor; becauſe the *Beneventans* would not obey him, the Emperor, who was in concert with Pope *Clement*, in the Year 1010. got him to excommunicate the *Beneventans*; from which they were not abſolv'd till ten Years after, when *Leo* IX. who ſucceeded *Clement*, having come to *Benevento*, took off the Interdiction.

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[1] Erchemp. num. 39. Octavo die Anathematis XXII. Neapolites milites apprehenſos decollari fecit: Sic etiam monuerat Papa.

[2] Ibidem.

[3] Epiſtola 41. Jo. VIII. where ſpeaking of the Neapolitans being in Confederacy with the Saracens: Nunc autem vel illis incorrectis exiſtentibus, & ad percutientem ſe redire nolentibus; vel tibi cum ipſis habitanti, & idcirco a Divinis omnibus pariter Sequeſtrato, quo pacto antequam repiſcentis ad viam ſalutis, & juſtitiæ revertamini, parcere aut a nexu Eccleſiaſtici vos judicii valemus abſolvere? Abſolvite ergo vos prius Colligationes impietatis, & fœdus impium, quod cum inimicis Chriſti habetis compoſitum, & nos illico miſericordiam, &c.

[4] Epiſt. 22. Virtute S. Spiritus, & authoritate S. Petri, cui ligandi & ſolvendi in cœlo, & in terra a domino eſt conceſſa poteſtas, omni ſacra communione, ſancta videlicet corporis, & ſanguinis D. N. J. Chriſti, vos una cum totius Apoſtolicæ ſedis conſenſu privavimus, ut in eadem Excommunicatione maneatis, donec reſipiſcentes ab impio vos Paganorum præda ſeparetis.

BUT at the ſame Time that *Charles* was on his March to *Italy* to aſſiſt the Pope, when he came to *Pavia* with a ſmall Number of Troops, whither the Pope went to meet him, he found that *Carlomann* was got before him, who having arrived in *Italy* with a powerful Army, endeavour'd to drive *Charles* out of it, and poſſeſs himſelf of the Empire and Kingdom of *Italy*. *Charles* being ſurpriz'd at his having got the ſtart of him, return'd towards *France*, and being come to the *Alps*, was taken ill of a Fever, not without ſuſpicion of Poiſon, where he ended his Days on the 6th Day of *April* in the Year 877, the 54th Year of his Age: His Body was interr'd at *Vercelli*, and ſeven Years thereafter was tranſported to St. *Denis*.

SECT. I.

Greater Confuſion and Calamities in theſe our Provinces by the Death of Charles the Bald, *in the Reign of* Carlomann.

CHARLES being dead, and ſucceeded in *Italy* by *Carlomann*, Confuſion and Calamities increas'd; *Carlomann* was not in a Condition to relieve our Provinces, being employ'd in other Undertakings, and the *Saracens* growing much more cruel, all went to Wreck and Deſolation.

THE Broils betwixt our own Princes was a great Addition to theſe Miſeries; for the *Capuans* by the Death of *Landulphus*, which fell out in the Year 879, were divided into Factions. He left many Grandchildren, who greatly haſten'd the Ruin of that Province, by dividing it equally amongſt them. There fell to the Share of *Pandonulphus* Count of *Capua*, who ſucceeded him, *Tiano* and *Caſamirta*, which ſome call *Caſerta*. To *Landon*, *Berolaſſi* and *Seſſa*. To the other *Landon*, *Calinio* and *Cajazza* [1]; and thus of one State many were made, by its being divided into ſmall Portions, which at laſt was the Ruin of our *Longobard* Princes, becauſe the Diviſion of their Eſtates occaſion'd Factions and inteſtine Wars, which gave Opportunities to other Nations to take Advantage of their Quarrels and Confuſions. For that ancient Cuſtom took place amongſt them, not to prefer the elder Brother in the Succeſſion to Fiefs before the younger, but all ſhar'd equally [2], contrary to the Cuſtom of the *French*, who prefer the Eldeſt to prevent the Diviſion of the State; from whence in our Kingdom that Diſtinction was introduc'd, that in Succeſſions, ſome Fiefs are regulated according to the Law of the *Longobards*, others according to the *Jus Francorum*, which at laſt prevail'd, as being the moſt provident and prudent, which we ſhall ſhew in a more proper Place.

AND tho' *Gaeta* had been given to *Pandonulphus* by *John* VIII., yet the *Capuans* did not treat the *Gaetans* ſo mildly, as to prevent new Quarrels and Revolutions in it and his whole State; for which Cauſe, three Years and eight Months afterwards, *Pandonulphus* was driven out of it, and *Landon* in the Year 882. was elected in his Room, who governing *Capua* indiſcreetly, held it only two Years: *Atenulphus* his Brother taking Advantage of his bad Conduct, invaded it, and in the Year 887. this valiant Captain having driven him out of it, reſtor'd the County of *Capua* to a better Form of Government, and ſo demean'd himſelf in his Proſperity, that he was advanc'd to the Principality of *Benevento*, by which, after a Courſe of many Years he united theſe two States under one Perſon, as we ſhall relate.

THE Confuſions in the Principality of *Benevento* were no leſs, for whilſt *Adelchiſius*, altogether over-joy'd, was returning to *Benevento*, after the taking of *Caſtello Trabetenſe*, which ſome call *Trivento*, by the Conſpiracy of his Nephews and Friends, in the Year 878. was cruelly murder'd, after having reign'd in *Benevento* 24 Years and a half; we read of no Tomb erected for this Prince, as there had been for the reſt, as *Pellegrinus* writes. But the ſame Author gives us one of his *Capitularia*, wherein he eſtabliſhes many Laws, ſome conformable to thoſe old Laws of the *Longobard* Kings, others not.

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[1] Erchemp. num. 40.

[2] Frec. de Subfæud. p. 54. Et iſti ſuccedebant Comites in Regno omnes pariter filii, ſicut in Lombardia; cum videamus ex hiſtoricis, uno eodemque tempore in eodem Comitatu duos & plures Comites, in Comitatu Theani, in Comitatu Venafri, & Aquini, & aliorum.

THE Murder of this Prince occaſion'd terrible Confuſion in the State, for *Gaideris* his Nephew, and Son of *Radelgarius* ſucceeded him in the Principality; and out of Ambition excluded *Radelchiſis* the eldeſt Son of *Adelghiſius*, who had been murder'd: The *Beneventans* two Years and a half afterwards depos'd him, and ſent him Priſoner to *France*, and ſet *Radelchiſis* the Son of *Adelghiſus* on the Throne; but not long after, *Gaideris* having made his Eſcape out of *France*, retir'd to *Bari*, under the Protection of the *Greeks*; for this City, which formerly had been govern'd by *Caſtaldi*, ſent thither by the Princes of *Benevento*, becauſe it had often been in the Hands of the *Saracens*, conſidering that the *Beneventans* had frequently loſt it, and could not defend it againſt their continual Incurſions, had come under the Dominion of the *Greeks*, when the Inhabitants, as we have ſaid, deliver'd themſelves up to *Gregory*, whom they invited from *Otranto*, whereof he was Governor, which City had likewiſe return'd under the Dominion of the *Greeks*[1]. And *Gaideris* having gone to *Conſtantinople* to the Emperor *Baſilius*, was courteouſly receiv'd by him, and got the Government of the City of *Oria* during Life, from whence he continually moleſted the *Beneventans*, who had driven him from that Dominion[2].

RADELCHIS being beſet with Enemies on all Sides, enjoy'd little Quiet in his Principality; for not long after a War breaking out betwixt the *Neapolitans* and the *Amalphitans* on the one hand, and betwixt the *Capuans* and *Beneventans* on the other, all went to Confuſion; and after a Reign of a few Years, in the Year 883. he was driven out of it, and *Ajo* his Brother put in his Room[3]. Neither did this Prince long enjoy his State in quiet, for being taken Priſoner by *Guido* Duke of *Spoleto*; tho' by the Means of the *Sipontins*, who on this Occaſion ſhew'd great Fidelity to their Prince, he had been ſet at Liberty, and reſtor'd to *Benevento*; yet *Gaideris*, who poſſeſs'd the City of *Oria*, ſtirr'd up the *Greeks* againſt him, with whom he had many Battles. And he dying after a troubleſome Reign of ſeven Years, *Orſo* his Son, who was but ten Years old, ſucceeding him in the Year 890, compleated the Ruin of the *Longobard* Princes in *Benevento*; and at laſt this City being taken by the *Greeks*, after the *Longobards* had held it 330 Years, it came under the Dominion of *Leo* Emperor of the Eaſt, the Son of *Baſilius*; for this Prince being much incens'd againſt *Ajo*, and puſh'd on by *Gaideris*, the Year following 891, ſent a moſt formidable Army into theſe our Provinces, under the Command of *Simbaticius Protoſpatarius* in order to ſubdue *Benevento*, who having laid cloſe Siege to it, in the Space of three Months made himſelf Maſter of it, with all the other Places under its Dominion, and expell'd the unfortunate *Orſo*, who had held it only one Year. Thus *Benevento*, after 330 Years from *Zoto* the firſt Duke, to *Orſo*, was ſubjected to the Emperors of the Eaſt, and govern'd for a Year by the ſame *Simbaticius* who had conquer'd it; after which *George* a Patrician was ſent by the Emperor to be his Succeſſor, who govern'd it till the Year 895.

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[1] Pell. in Stem. Princ. Ben.

[2] Erchemp. num. 39, 41, 42, 47, 48.

[3] Erchemp. num. 48, 49.

SECT. II.

Calamities in the Principality of SALERNO.

BUT more grievous and lamentable were the Calamities of *Salerno*, which being often invaded by the *Saracens*, ſuffer'd cruel Slaughter, and incredible Devaſtation, inſomuch that the Inhabitants with their whole Families were often oblig'd to go and ſeek Shelter elſewhere. Not only the *Saracens* but our Princes themſelves likewiſe join'd in ruining them, and eſpecially *Athanaſius* Duke of *Naples*, in Confederacy with theſe Barbarians, laid all the Country waſte, and reduc'd *Guaimarus*, who ſucceeded his Father *Guiferius* in the Principality of *Salerno* in the Year 880, to ſuch Diſtreſs, that in order to be able to make a Stand againſt ſo many Incurſions, his own Forces not being ſufficient, out of cruel Neceſſity he was forc'd to have recourſe ſo far as the Eaſt for Aſſiſtance, from the Emperor *Leo* and *Alexander*, the Sons of *Baſilius*, by whom he was ſeaſonably ſupply'd [1]; and beſides, they ſent him a Charter, alſo recorded by *Summontes* [2], by which they confirm'd to him the Principality of *Salerno*, in the ſame manner as the Diviſion had been made betwixt *Siconolphus* and *Radelchiſius* [3].

THERE was not a more perfidious and faithleſs Man on Earth than this *Athanaſius*, who ſometimes entering into Alliance with the *Saracens*, and ſometimes breaking off from them, according as the Neceſſity of his Affairs requir'd, put theſe our Provinces into Confuſion; when the *Saracens* were over-running the neighbouring Principalities, and were every where ſucceſsful, he, in order to extinguiſh the Fire which he ſaw in his neighbouring States, fearing leſt it ſhould ſeize on his own, made a ſhift to join and aſſiſt the neighbouring Princes; at other times, when they were worſted by the *Greeks* or *Longobards*, and he ſaw himſelf out of Danger, he left them and join'd the *Saracens* again. Thus it once happen'd, that a great Body of *Saracens* being in Quarters at the Foot of *Veſuvius*, he ſent into *Sicily* to invite King *Suchaim* to come and put himſelf at their Head; but it falling out afterwards that this King began to deſtroy *Athanaſius*'s own Country, and outragiouſly to ſpoil and rob the *Neapolitans*, he, inrag'd at ſuch ill Uſage, immediately reſolv'd to join and make Alliance with *Guaimarus* Prince of *Salerno*, and the *Capuans*, in order to drive them away, in which he was ſucceſsful. *Erchempertus* relates [4], that being troubled in his Conſcience, he had made this League for driving out the *Saracens*, that by ſo Pious an Undertaking he might merit Abſolution from the Cenſures of the Pope, by which he and his City of *Naples* had been interdicted from the Month of *April* in the Year 881.

THUS by the Ambition and Quarrels of our Princes, theſe Provinces which now make the Kingdom, never ſaw more calamitous Times than thoſe, in which they were aſſaulted and torn to pieces, not only by our own Princes, but likewiſe by foreign Nations. The *Beneventans*, *Capuans*, *Salernitans*, *Neapolitans*, *Amalphitans*, and the *Greeks* fought with one another; and when they were wearied of their own Calamities and gave over, the *Saracens* were always ready prepar'd, who being ſpread over all, and having in many Places of the Kingdom, fix'd, ſtrong, and ſecure Garriſons, ſuch as *Garigliano*, *Taranto*, *Bari*, and at laſt in Mount *Gargano*, they ſo miſerably afflicted theſe Provinces, that there was no Place free from War, Pillage, Calamity and Death; ſo that not only the two famous and rich Monaſteries of *Caſſino* and St. *Vincent* many times ſuffer'd Deſolation and Burning, but alſo the moſt conſpicuous Cities and whole Provinces underwent the ſame Calamities.

THERE was no Aſſiſtance or Relief to be expected any where: the Forces of the Emperors of the Eaſt were at a diſtance and weak; much leſs could any be expected from the Emperors of the Weſt. *Lewis* II. was dead, who had made himſelf famous in the World for having ſo often driven the *Saracens* out of theſe Provinces, and pent them up in the furtheſt Cities; and no Aſſiſtance was to be expected from his Succeſſors, becauſe *Charles the Bald* who ſucceeded him, being prevented by *Carlomann* his Competitor, was forc'd to turn his Arms another way. And *Carlomann*, who after *Charles*'s Death poſſeſs'd the Kingdom of *Italy* three Years, having other Undertakings on his Hands, and being oblig'd to oppoſe the Forces of *Lewis the Stammerer*, Son of *Charles the Bald*, who laid Claim to *Italy*, could not mind theſe our remote Parts.

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[1] Erchemp. num. 54.

[2] Summon. tom. 1. pag. 428.

[3] Pell. in Stem. Princ. Salern. Profeſſus eſt in publici Tabulis, conceſſum ſibi, ac permiſſum fuiſſe ſuum Principatum ab Græcis Imp. Leone & Alex. ſicuti diviſus fuerat, inquit, inter Siconolphum & Radelchiſum Principem.

[4] Erchemp. num. 49. Hoc turbine exactus, & ut Apoſtolicum Anathema, quo erat innodatus, a ſe, & urbe ſua expelleret, Guaimarium Principem, &c.

Beſides theſe, *Italy* was oppreſs'd with other Calamities; for by the Death of *Charles the Bald*, the Empire being vacant, though *Corlomann* was in Poſſeſſion of the Kingdom of *Italy*, which he ſoon made himſelf Maſter of: *Lambertus*, Duke of *Spoleto*, ſurpriz'd *Rome*, and claim'd the Imperial Crown from the Pope. The Pope fled to *France*, and got Aſſiſtance from *Lewis* III. ſurnam'd the *Stammerer*, and in return for ſo many Favours received on this Occaſion, conſecrated him Emperor in *France*, and caus'd him to be proclaim'd *Auguſtus*. But *Lewis*, though he was proclaim'd Emperor, had no Dominion in *Italy*, for *Carlomann* was in Poſſeſſion of the Kingdom of *Italy*, though he was not Emperor: Which is an evident Confirmation of what we have ſaid in this Hiſtory, that the Emperors of the Weſt, after the Reſtoration of the Empire, did not Rule in *Italy* as Emperors, but as they were Kings of it; neither did *Charles the Great* add *Italy* to the Empire, any more than he made *France* a Member of it; and their Laws, which were long obſerv'd in *Italy*, and which were added to thoſe of the *Longobards*, were not in Force as Laws of the Emperors; but as being Laws of its own Kings. Indeed, our ancient Writers, in the Catalogue of the *Longobard* Laws, ſumming up the Laws of the Kings of *Italy* after thoſe eſtabliſh'd by the *Longobard* Kings, reckon thoſe from *Pepin* to *Conrade*, as Laws made by Kings, and not by Emperors.

BUT theſe two ſupreme Dignities were ſoon united in the Perſon of *Charles the Groſs*; for his Brother *Carlomann* dying in the Year 880, he, in all haſte, went to *Italy*, where being kindly received by the *Italians*, according to Cuſtom, he was crown'd and anointed King of *Italy*, by the Archbiſhop of *Milan*; and not long after being invited again to *Italy* by Pope *John*, on *Chriſtmas* Day, in the Year 881, he was crown'd with the Imperial Crown by that Pope, and proclaim'd Emperor.

CHARLES the Groſs was often invited by the Pope to come and aſſiſt theſe Provinces, which were ſtill moleſted by the *Saracens*, and though he came as far as *Ravenna* for that End, yet he was forced to return again to *France*, whither the impending Ruin of the Nation recall'd him. It was at this time, that the *Normans* were firſt heard of; they had come from the utmoſt Parts of *Scandinavia*, and over-running and putting all *France* into Confuſion, had laid Siege to *Paris*, ſo that in order to pacify them, *Charles* was forc'd to aſſign them *Neuſtria* for a Place to ſettle in, which Province to this Day retains the Name of *Normandy*.

THE Diſorders of that Kingdom were worſe, on account of the Contentions which aroſe after the Death of *Lewis* King of *France*, and afterwards of *Carlomann* his Brother, which at laſt occaſion'd the Tranſlation of the Empire from the *French* to the *Italians*. It was at this Time, that our *Italians* ſeeing *France* ruin'd and divided, began to think, that if *Charles the Groſs* ſhould die without leaving Male-Iſſue, the beſt thing they could do, was to chuſe an *Italian* Emperor, who not being diverted by other Governments, and in other diſtant Countries, could better govern *Italy*, and defend the Apoſtolical See, which by the frequent Incurſions of the *Saracens*, even to the Gates of *Rome*, was often ſeen to be in great Danger; they look'd upon the ancient Valour not to be yet quite extinct in *Italy*, and that there were ſtill ſuch Perſons who could ſupport that Dignity. Therefore they perſuaded *Adrian* III. who then govern'd the Apoſtolical See, to make, at their Requeſt (if we may give Credit to *Sigonius* [1] who relates the Words of it) this Decree: *Ut moriente Rege Craſſo ſine filiis, Regnum Italicis Principibus una cum titulo Imperii traderetur*. As he actually died in the Month of *January*, of the Year 888, who in his own Perſon alone, had united the Three moſt renowned Kingdoms of *Europe*, to wit, *Germany*, *Italy* and *France*, and thereby equall'd the Grandeur of *Charles the Great*: Our *Italians*, by undertaking to reſtore the Kingdom of *Italy*, and the Auguſt Title of *Emperor* to their own Nation, and thereby thinking to re-eſtabliſh its Provinces better, brought upon themſelves ſuch Revolutions and Confuſion, that *Italy* had never been ſo miſerably afflicted, nor in ſuch Diſorder, by the inteſtine Broils of the People, and the Treachery and Wickedneſs of the Princes, as it was in theſe Times, when it was under the *Berengarii*, and the *Guidi*, the one Duke of *Friuli*, and the other of *Spoleto*, as we ſhall have occaſion to relate.

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[1] Sigon de Reg. Ital.

CHAP. II.

The Condition to which the Juriſprudence, and other Parts of Learning were reduc'd in theſe Times, and of the new Collection of the Laws made by the Emperors of the Eaſt.

BEHOLD the unhappy and lamentable Condition to which theſe our Provinces were reduc'd about the End of the Ninth Century; would to God their Diſaſters had ended there: It would truly be abſurd to imagine, that in ſuch wicked Times, amidſt ſo great Confuſion, Diſcipline could be maintained in its Purity and Force. All was Diſorder, all Confuſion; only in *Rome*, which was altogether owing to the Popes, the Monks, and the Clergy, ſome Learning was preſerv'd, and the *Latin* Tongue was not quite extinct, at leaſt in Writings: Whence Men of Letters have ſince been call'd Clergy, and the Illiterate, Laicks; for in the Writers of the laſt Age, ſuch as *Dante*, *Puſſavanti* and others, by Clergy, is underſtood learned Men, and by Laicks, the Illiterate. For which they are ſo much the more Praiſe-worthy, that tho' Pope *Gregory* I. had forbidden them to imploy their Studies on heathen Authors, in order to blot out all Memory of ancient Learning, and therefore rebuk'd *Didicrius*, Biſhop of *Vienna*, very ſeverely, for teaching *Grammar* [1], yet amidſt the ſo many Inundations of Barbarians, the Church of *Rome*, as much as the Circumſtances of the Times would allow, retain'd ſome Remains of the gentile Learning, which otherwiſe would have been altogether loſt and extinguiſh'd [2]. Who would believe, that Philoſophy, Phyſick, Aſtrology, and ſo many other Sciences had been reſtor'd amongſt us in theſe Times by the *Saracens*, by the Application they gave to the Books of *Ariſtotle*, *Galen* and other Authors; whereby *Averroes*, *Avicenna*, and many others made themſelves ſo famous and renown'd? But hence it came to paſs, that for a long time, the Sciences, Philoſophy and Phyſick, *&c.* were ſo ill manag'd and cultivated in our Schools by *Ariſtotle's* being only in Vogue, and the ſo many other Philoſophers neglected, that the Streams of Theology, Mathematicks, and other Sciences, run very muddy, as we ſhall ſhew in a more fit Place.

AND as to what relates to our Juriſprudence, the Books of *Juſtinian* had been baniſh'd, and ſcarce known in *Italy*, and the *Roman* Law had only remain'd by Tradition amongſt the Commonalty, who are the laſt in laying aſide ancient Cuſtoms, and the Laws of their Fore-fathers; only the *Novellæ* of *Juſtinian* had been retain'd by the Eccleſiaſticks, and often quoted by the Popes [3]: There was ſome uſe made of the *Theodoſian Code*, as having been valu'd and corrected by *Charles the Great*. On the contrary, the *Longobard* Laws were in vogue, to which thoſe that had been publiſh'd by *Charles the Great* and his Succeſſors, as Kings of *Italy*, being added, they had full Authority and Force in our Tribunals; and by theſe all Law Pleas were decided.

AND becauſe by degrees, Fiefs had crept in and multiplied in theſe Provinces, the *Feodal* Cuſtoms, not Laws, began to get Footing; for the firſt amongſt us who publiſh'd written Laws on them, was *Conrade* the *Salick*, as we ſhall relate.

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[1] Gregor. 9. Epiſt. 48.

[2] Bacon de Verulam. de Augum. Scient. lib. 1.

[3] Jo. VIII. Epiſt. 163. V. Struv. hiſt. jur. Juſtin. cap. 5. §. 7.

Their Rules and Cuſtoms were, for the moſt part taken, as we have ſaid, from the *Longobard* Laws; but the Laws and Cuſtoms of other Nations had likewiſe their Share in them: From the *Saxons* and the *Thuringians*, the perpetual Excluſion of Women from Succeſſion: From the *Normans* and *Burgundians*, the Cuſtom of prefering the eldeſt Sons; from the ſame *Normans*, the Cuſtom of paying Fines on the renewing the ancient Inveſtiture: From the *Longobards*, the prefering the maiden Siſter, whom they call'd *in Capillis*, to the married Siſter, who had got her Portion, in Places where Women (as in our Kingdom) are capable of ſucceeding to Fiefs. The Cuſtom of Juries, and the determin'd Number of Twelve, was taken both from the *Longobards*, and the *Ripuarii*. Our Fore-fathers likewiſe learn'd from the *Germans*, the Neceſſity of having the *Pares Curiæ* preſent when Judgment was to be given in Caſes of new Inveſtitures, or Deprivation of Fiefs; and their Succeſſions were regulated according to the Cuſtom of Places, and not by written Laws, by which the Rights of Succeſſion became ſo various and diverſe, that the Compilers of this Law wiſely call'd them *Conſuetudines*; of which we ſhall have occaſion to diſcourſe more at length, when we come to treat of the Collection of the Feudal Books. It was owing to this likewiſe, that the *Roman* Law was in ſuch diſuſe, that it was only preſerv'd amongſt the Commonalty, as an old Cuſtom; for theſe our Provinces, by the multiplicity of Fiefs, were filled with a vaſt number of Barons, and the *Longobard* Laws, and Feudal Cuſtoms, which in a great Part were taken from them, were only reſpected and obſerved; and it was look'd upon as a Mark of Nobility to live according to the *Longobard*, and not the *Roman* Laws. And though *Charles the Great*, *Pepin*, *Lothaire* and *Lewis*, had left the People of the Provinces to live under whatever Law they thought beſt, yet the greateſt Part choſe the *Longobard*. Beſides, when a Woman was married, though ſhe had liv'd under the *Roman* Law, yet afterwards ſhe was to be under the *Longobard*, according to which the Huſband conſtantly liv'd, of which we have a clear and ſingular Example in *Doviat* [1].

BUT the *Longobard* Laws, and the Feudal Cuſtoms were in Force and Authority only in thoſe Provinces that were ſubject to the *Longobard* Princes; for hitherto they had not obtain'd in the Dukedom of *Naples*, nor the other Cities and Places where the Dominion of the *Greeks* continu'd, who neither acknowledg'd the *Longobard* nor the Feudal Laws: Therefore, perhaps ſome may think, that at leaſt, in theſe Times, in the Dukedom of *Naples*, *Amalphis*, *Gaeta*, and all the other Countries ſubject to the *Greeks*, they liv'd according to the Laws of *Juſtinian*, and eſpecially in thoſe Times, in which the *Greeks* had re-taken many Places from our *Longobard* Princes, ſuch as *Bari*, *Taranto*, and *Benevento*.

BUT they will be ſurpriz'd to hear, that the Books of *Juſtinian* had no better Fortune in the Eaſt than in the Weſt, and therefore were not acknowledg'd in the Cities and Provinces that maintain'd themſelves under the Dominion of the *Greeks*. This was owing partly to Remiſneſs in *Juſtin*, who ſucceeded to *Juſtinian*; but much more to the Envy that the ſucceeding Emperors bore to the Glory of *Juſtinian*, who endeavour'd, by the means of new Conſtitutions and *Novellæ*, and new Collections, to eclipſe his Books. And the greateſt Blow they got, was in the Ninth Century, in which we now are, when in the Year 870, the Emperor *Baſilius*, and ſhortly after, *Leo* and *Conſtantine* his Sons, order'd, That ſo famous Collection of the *Baſilicæ* to be made. Therefore it will be proper that we treat at large of the many Collections made by the *Greeks*, and the Works of their Lawyers, who beſtowed their Labour on that Subject, by which the true Cauſes ſhall be diſcover'd, why the Laws of *Juſtinian* had not that Force and Authority in the Dukedom of *Naples*, and all the other Cities ſubject to the *Greeks*, which they had afterwards in theſe Provinces, when they were reſtor'd again in *Italy* in the Time of *Lothaire* II. and were expounded in our Academies, and acquir'd that Force in our Tribunals, which continues to this Day. And I am induc'd the more willingly to do it in this Place, becauſe being tir'd with theſe many preceding Diſaſters and Calamities, I would gladly refreſh myſelf a little with Learning, which at this Time was not altogether loſt and extinct in *Greece*, as it was in *Italy*.

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[1] Doviat hiſt. jur. Civ.

SECT. I.

New Collections of Laws made in Greece; *and their Uſe amongſt us in thoſe Cities that were ſubject to the* Greeks.

THE Books of *Juſtinian*, that is to ſay, the Collections of the *Pandects*, *Codes*, and other Conſtitutions, call'd *Novellæ*; as ſoon as their Author died, underwent ſuch ſtrange Alterations among the *Greeks* themſelves, that at laſt being laid aſide, the *Roman* Law was not comprehended in them, but in other Volumes. This Neglect of them in the Eaſt, was chiefly owing to two Cauſes; the Firſt, was the ſo many other new Conſtitutions, which, by the ſucceeding Emperors (beginning from *Juſtin the Younger*, from the Year 566, to *Michael Paleologus* in the Year 1260.) from time to time were publiſh'd, which by altering and correcting what *Juſtinian* had eſtabliſh'd in his Books, were the Cauſe of ſo many Changes and Novelties, that the Profeſſors and Advocates ſtudied only theſe new Conſtitutions, as containing what was neceſſary for the Practice of the Courts of Juſtice, and the Deciſion of Cauſes, and did not regard the *Juſtinian* Code, the Laws of which by the ſo many Corrections that had happen'd to them, were of little or no Authority, and therefore were altogether laid aſide.

THE other Cauſe, was the ſo many Collections or Compilations made afterwards by the ſucceeding Emperors, ſome more compendious, others more full, which eclips'd thoſe made by *Juſtinian.* The more compendious Collections being of various Sorts, got various Names: Some were call'd *Prochyra*, that is to ſay, *Promptuaria*; others *Enchiridia*, that is to ſay, *Manualia*: Some others *Eclogæ*, which ſignifies *Delectus*, or Collections of the moſt choice Things, and by other Names, ſuch as *Synopſis*, *Epitome*, or Compendium. The more full Collections went all under the ſame Name of *Baſilicæ*, that is to ſay, Imperial, not, as ſome believed, that they took their Name from the Emperor *Baſilius*, under whom they were firſt compiled. Among the *Greeks*, *Baſileus* is the ſame as King or Emperor, therefore the Collections, which contain'd their Conſtitutions, were call'd *Baſilicæ*, that is to ſay, Imperial.

WITH regard to the firſt Cauſe, *viz.* the ſo many Imperial Conſtitutions, in order to remove all Confuſion, we muſt divide them into two Claſſes. Thoſe eſtabliſh'd by *Juſtin the Younger*, down to *Baſilius Macedo* and his Sons, muſt be ſeparated from the following publiſh'd after *Baſilius*, which at firſt going under the Name of *Novellæ*, were at laſt collected together, for the moſt part, according to the Order of the Times they were publiſh'd in.

THERE were Twelve Emperors reckon'd, by whom the Firſt were publiſh'd; theſe were *Juſtin the Younger*, *Tiberius*, likewiſe, *the Younger*, *Heraclius*, *Conſtantine* V. *Pogonatus*, *Leo* III. *Iconomachus*, *Leo* V. *Armenus*, *Theophilus*, and *Baſilius Macedo*, with *Leo* and *Conſtantine* his Sons. For Forty Years after the Death of *Juſtinian*, under the Emperors *Juſtin*, *Tiberius* and *Mauritius*, the Books of *Juſtinian* in *Latin*, in which Language they were written, had all Force and Authority in the Academies of *Conſtantinople* [1]; but *Phocas*, a moſt fooliſh Prince, ſucceeded in the Empire of the Eaſt, who neither could ſuppreſs the Invaſions of ſo many foreign Nations, who poſſeſs'd a great Part of his Empire, nor preſerve the Laws; ſo that though the Books of *Juſtinian* did not altogether loſe their Authority, yet they were transform'd and tranſlated into the *Greek* Language, and by the *Greek* Lawyers were reputed as a new Body of *Greek* Law; from which and the *Novellæ* that were ſtill publiſhing, the Laws were quoted in the Courts of Juſtice; ſo that the *Juſtinian* Codes began to loſe their antient Force. [2]

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[1] Arth. Duck de Aut. juris Civil. lib. 1. cap. 5. num. 2.

[2] Zonar. Annal. tom. 3.

BUT they receiv'd a greater Blow by the ſo many other *Novellæ Conſtitutiones*, which follow'd after *Baſilius* and his Sons. There are Seventeen Emperors reckon'd, who during their Empire, had eſtabliſh'd them. Theſe were *Conſtantine* VIII. *Porphyrogenitus*, *Romanus Lecapenus the Elder*, *Romanus Porphyrogenitus the Younger*, *Nicephorus* II. *Phocas*, *Baſilius the Younger*, *Romanus* IV. *Argyrophilus*, *Zoe* the Empreſs, *Iſaacius Comnenus*, *Michael* VII. *Dux*, *Nicephorus Botoniates*, *Alexius Comnenus*, *Joannes Comnenus*, commonly call'd *Calo Joannes*, *Emanuel Comnenus*, *Alexius* III. *Comnenus*, *Iſaacius Angelus*, *Joannes* III. *Dux*, who reign'd in *Aſia Minor*, and in *Nicea*, while the *French* poſſeſs'd *Conſtantinople*, and *Michael Paleologus*, who having driven out the *Latins*, recover'd *Conſtantinople*.

THE Knowledge of theſe *Novellæ* did not reach us till many Ages after; when Sciences and Learning were reſtor'd in *France* and *Italy*, then it was that they were unveil'd and brought to light, not by one ſingle Perſon, and all at once, but by degrees by many learned Writers, Lovers of Antiquity. They had no Force or Authority in theſe our Provinces, neither at the Time they were publiſh'd, as being all local, and concerning the Government of *Conſtantinople*, and other Cities of the Eaſt, neither till after the Books of *Juſtinian* were reſtor'd in *Italy*; for they are not to be found in the ancient Volumes, which by degrees began to be firſt receiv'd into the Academies of *Europe*, and afterwards by the Force of Reaſon, into the Tribunals. Our firſt Reſtorers of Learning had no Knowledge of them, and it was many Ages after, that they were found again by ſome learned Men, who tranſlated them into *Latin*, and afterwards got them joined to the new Editions, which from time to time happen'd to be made of the vulgar Codes. *Eimondus Bonafides* caus'd many of them to be publiſh'd, and *Joannes Leunclavius* and *Carolus Labbeus* many others; and a great many of them, both *Greek* and *Latin*, may be read in *Leunclavius*, and in the *Corpus* of *Dionyſius Gothofredus*, who join'd them to his Volumes, as they were interpreted, partly by *Henricus Agileus*, and partly by *Bonafides*. For which Reaſons he would be at a Loſs, that would make uſe of them now a-days, in our Tribunals for deciding of Cauſes, they never having acquir'd the Force of Laws in theſe our Parts; and the ſame may be ſaid of the *Baſilicæ*[1]. They are well worthy of Praiſe, who dug them out of the Darkneſs wherein they had been buried, and preſented them to the Light of the World, becauſe they often make clear thoſe already received, and give greater Light to what relates to the Hiſtory of the Times, and the Tranſactions of thoſe Nations; and this is the only Uſe and Advantage that can be made of them and the *Baſilicæ*; neither ought our Lawyers to expect any other from them. Thus we have many *Novellæ* of thoſe Emperors concerning the *Greek* Cuſtoms and Uſages, and other ſuch things belonging to the *Greeks*, publiſh'd in ſome Places, and certain Cities, and particular Provinces, and which were not in Force, nor had Authority any where elſe[2].

AMONGST all the other Emperors of the Eaſt, there was not one that publiſh'd ſo many Conſtitutions, and made ſo many Innovations, as *Leo* VI. Son of *Baſilius*. This Prince was a great Lover of Learning, who, by the Study, and great Knowledge of the Laws, Hiſtory and Philoſophy, acquir'd as *Antoninus* did, the Surname of Philoſopher. There are reckon'd One hundred and Thirteen *Novellæ* publiſh'd by this Emperor about the Year 890, which *Agileus* tranſlated into *Latin*; but the greateſt Part of them were not in Force, nor had Authority, but in the Tribunals of *Conſtantinople*, and very many of them were in diſuſe in *Leo*'s own Time[3]. Many Monuments of this Prince's Erudition, and his Love of Arts and Sciences are extant, ſuch as the many Books which he compoſed, which being kept from the Injury of Time, were long preſerv'd in the *Palatine* Library, and that of *Conſtantinople*. He wrote many Books concerning military Diſcipline, which deſerv'd to be tranſlated into the *Latin* and *Italian* Languages: A Book about Hunting; beſides diverſe Oracles and Propheſies relating to *Rome* and *Conſtantinople*, and ſome ſmall Theological and Hiſtorical Treatiſes; but above all, he applied himſelf moſt to the Study of the Laws, becauſe vying with *Juſtinian*, who endeavour'd to outſtrip *Theodoſius the Younger*, he ſtrove to excel him by his new Collections, and his *Baſilicæ* and *Promptuaria*, which he and his Father *Baſilius* put in a better Method, and a more noble Form [1], in order to eclipſe the Fame of *Juſtinian*.

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[1] Struv. hiſt jur. Græc. cap. 4. §. 2.

[2] V. Cujac. lib. 6. obſerv. cap. 10.

[3] Cujac. obſ. 17. c. 31. Doviat. hiſt. jur. Civil. pag. 47.

THE firſt then (to come to the 2d Cauſe of the Neglect of *Juſtinian*'s Books) who put the greateſt Damp upon *Juſtinian*'s Laws by the means of new Collections, was *Baſilius Macedo*. *Baſilius*, by a ſtrange Turn of Fortune in the Year 866. being proclaim'd Emperor, was a Prince of ſo great Spirit, that he often defeated the *Saracens*, and by his Prudence re-eſtabliſh'd the Empire, which had been ruin'd by *Michael* his Predeceſſor; and having aſſociated *Conſtantine* in the Empire, and given the Title of *Cæſar* to *Leo* and *Alexander* his Sons, afterwards in the Year 879, he gave the Title of Emperor to *Leo*. By his noble Exploits, having acquir'd great Fame, he deſign'd to excel *Juſtinian* in Glory, and by the means of new Collections to eclipſe his Name and Books: For which end, in the Year 870 (aſſociating with him in this Work, *Conſtantine* and *Leo* his Sons) he ordered a *Promptuarium* to be compiled; or, as the the *Greeks* call it, *Prochyron* of Laws, in which, from many Volumes were compendiz'd the principal Sources of the Law, from whence the leſſer Rivulets originally come. According to *Armenopolus* [2] it conſiſted of Forty Titles, and not Sixty as *Cujacius* writes; and we find it as yet among the Manuſcripts in the *Vatican* Library, whither it was remov'd from that of the *Palatine*. It paſſes ſometimes under the Names of *Baſilius*, *Leo* and *Conſtantine*; ſometimes under the Names of *Leo* and *Conſtantine* only, and alſo under that of *Leo* alone, with various and different Prefaces; ſo that 'tis very probable this Work was revis'd again by *Leo* the Philoſopher, and reduc'd to a better Form.

LEO, not content with having put his Father's *Prochyron* into a better Form, and fill'd the Eaſt with ſo many *Novellæ*; put forth likewiſe the Compend of the Laws, a very elegant Work, which was made up purely of Definitions and Rules; but he employ'd his Study and Thoughts more in framing the *Baſilicæ*: This great Work was compil'd about the Year 886, divided into Sixty Books, and, for the greater Conveniency, into Six Volumes. *Cedrenus* relates, that this Work was begun by *Baſilius*, but finiſhed by *Leo* his Son, who, by the Advice of *Sabbatiſius Protoſpatarus* (perhaps the ſame as we have ſaid, who was ſent into our Provinces, in order to drive away the *Saracens*) caus'd it to be publiſh'd, according to *Antonius Auguſtinus*, who takes it from *Mathæus Blaſtares*.

IN this new Compilation he did nothing elſe but for the moſt part follow the ſame Order which *Juſtinian* had obſerv'd in his Laws, from whoſe Books, Edicts, and *Novellæ Conſtitutiones*, and the Conſtitutions of the ſucceeding Emperors down to *Baſilius*, he took his ſubject Matter; he retrench'd all that was thought ſuperfluous, and what had been diſus'd by the Cuſtom of After-times was left out; and moreover he added what had been eſtabliſh'd by the new Conſtitutions of the ſucceeding Emperors; from which Work, comprehended in ſix Volumes, and divided into ſixty Books, a new Body of Law nam'd *Baſilicæ* ſtarted up, and which was written in the *Greek* Language: So that what *Juſtinian* had written on each Subject ſeparately in many Books, to wit, the Inſtitutions, the Pandects, the Code, and other Books of *Novellæ*, was put under one Title, and in the ſame Order which *Tribonianus* was pleas'd to obſerve in the Diſpoſition of his ſubject Matter.

THESE were the Laws call'd *Baſilicæ*, and nam'd *Priores*, becauſe the Work did not end here; for *Conſtantine* VIII. Son of *Leo*, ſurnam'd *Porphyrogenitus* likewiſe beſtow'd great Pains and Application on this Subject: *Conſtantine*, out of a Deſire of Glory, like his Grandfather and Father, deſign'd to aboliſh altogether the Memory of *Juſtinian*'s Books [3], and by his Skill in Law and Hiſtory, to convince the World that he was a Man who had Learning chiefly at Heart. Having revis'd the Work of the *Baſilicæ*, he corrected it in many Places, and in the Year 920, he publiſh'd another *De repetita Prælectione*, more refin'd and correct, of which he would have himſelf reputed the Author, and that the *Baſilicæ Priores* ſhould no more be minded, but that in the Courts of Juſtice and Schools, his own, which therefore he call'd *Poſteriores*, ſhould be in Force, and made uſe of by the Students and Lawyers of the Eaſt. Indeed this new Collection of the *Baſilicæ* was receiv'd in the Eaſt, and continu'd to be the Foundation of the *Jus Græcum*, to the End of the *Greek*

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[1] V. Arth. loc. cit. num. 3. & 4.

[2] Harmen. in Præfat.

[3] V. Marq. Freher. in Præfat. ad jus Græc. Rom. Struv. hiſt. jur. Græci cap. 4. §. 2.

Empire[1]; and *Conſtantine* was reputed to be the firſt Author of it, which both *Luitprandus* and *Erveus* acknowledge. Theſe were always reckon'd to be the true Books of the *Baſilicæ*, to which *Conſtantine* himſelf made a new *Prochyron*, or Introduction, which is to be ſeen at this Day; and they are the ſame, which, after a Series of ſo many Ages, have been reviv'd by the Care and Diligence of ſome deſerving Men, Lovers of our Juriſprudence, ſuch as *Gentianus Erveus*, and *Hannibal Fabrottus*[2], and which the *Greek* Interpreters have taken great Pains to comment on, and illuſtrate.

THIS Prince acquir'd no leſs Fame by his other renown'd Works concerning Hiſtory, which are extant to this Day; he caus'd all the Hiſtorians to be collected into one Body, and diſpos'd them into 53 common Places, tho' the Hiſtory of *Porphyrogenitus*, according to the uſual Cuſtom of the *Greeks*, in many Places be reckon'd fabulous, frequent Inſtances of which may be ſeen in this Hiſtory.

MANY *Greek* Interpreters beſtow'd their Labours on theſe *Baſilicæ*, ſo that they had as great a Crowd of *Greek* Commentators in the Eaſt, as the Books of *Juſtinian*, after they were reviv'd in the Weſt, had of *Latin* Commentators and Expounders. *Cujacius* mentions a great many of them, ſuch as *Stephanus*, *Niceus*, *Taleleus*, *Iſidorus*, *Euſtathius*, *Eudoxius*, *Gobidas*, *Cumnus*, *Joannes*, *Agiotheodoretus*, *Doxapater*, *Gregorius*, *Garidas*, *Beſtes*, *Baphius*, *Theophilus*, *Calocirus*, *Seſtus*, *Calliſtratus*, *Leo*, *Phocas*, *Modeſtinus*, and *Domninus*; to which *Freerus* adds, *Patzus*, *Theopholitzen*, *Phobenus*, *Theodorus*, *Hermopolita*, *Demetrius*, and *Cartophilaces*. In what preciſe Times theſe flouriſh'd we have no Certainty: Nevertheleſs if *Taleleus* be reckon'd amongſt the Lawyers who commented on the *Baſilicæ*, he muſt be another *Taleleus*, and not he who flouriſh'd long before in the Time of *Juſtinian*, who aſſiſted in making the Pandects, as we have ſaid elſewhere.

SO likewiſe this muſt be another *Stephanus*, and not he, who at the Command of the ſame *Juſtinian* beſtow'd his Labour on the Digeſts, which he alſo tranſlated into the *Greek* Language; neither can *Theodorus* and *Iſidorus* be the ſame, who long before were employ'd by *Juſtinian* among thoſe ſeventeen in compoſing the *Latin* Digeſts.

MUCH leſs can it be this *Theophilus*, who together with *Tribonianus* and *Dorotheus* compos'd the Inſtitutions; and this *Phocas* can't be one of the twelve appointed for framing of the *Latin* Code. As for *Calliſtratus* and *Modeſtinus*, 'tis unqueſtionably certain, that theſe Civilians flouriſh'd not only long before *Porphyrogenitus*, but even before *Juſtinian* himſelf. Therefore if it be not granted, that there have been ſeveral Lawyers at different Times of the ſame Name, theſe cannot ſurely be reckon'd amongſt the Interpreters of the *Baſilicæ*; altho' ſome of them had formerly been employ'd in tranſlating the Volumes of *Juſtinian* into the *Greek* Language, as *Stephanus*[3] (if we may believe *Mathæus Blaſtares* on the Teſtimony of *Antonius Auguſtinus*) did the Pandects, or at leaſt *Taleleus*, as *Suares*[4] and *Struvius*[5] believ'd, and as *Taleleus* certainly did the Code; whoſe Example was follow'd by *Cyrillus* in the Digeſts, by *Theodorus* in the Code, and *Theophilus* in the Inſtitutions.

BESIDES theſe, there were others of uncertain Names; ſuch as the *Anonymous Baſilicus*, whom *Cujacius* believes to be the Interpreter of the ſame Collection of the *Baſilicæ*, *Evantiophanes*, who made a Collection of the Laws that claſh'd with one another, or the *Antinomies*, whom the Biſhop of *Frejus* believ'd to be *Photius*, who in his *Nomocanon* writes that he had compos'd ſuch a Book[6].

CUJACIUS believes *Dorotheus* to be the Author of that prolix Paraphraſe which goes under the Name of an Index; but *Gotofredus* takes it to be the Work of ſeveral Perſons, ſuch as *Baſilicus* and *Baphius*, whom *Conſtantine* made uſe of, and regarded as much as *Juſtinian* did *Tribonianus*; for the laſt added many Things to that Index.

THEREFORE the Sudy of the *Roman* Laws was no leſs cultivated among the *Greeks* in the Eaſt, than it was afterwards among the *Latins*. For which end many of them began to comment upon them, and to interpret them variouſly, little minding the Prohibition of *Juſtinian*, who allow'd them only to be tranſlated into

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[1] Struv. loc. cit.

[2] Of theſe Editions V. Suares Notitia Baſil.

[3] Auguſt. ad Novel. in Prolegom.

[4] Suar. in Notit. Baſil.

[5] Struv. hiſt. Jur. Græc. cap. 4. §. 1.

[6] V. Doviat. hiſt. Jur. Civ.

Greek, and the *Paratitli*; ſome added *Scholia*, Paraphraſes and Gloſſes; others again loaded them with huge Commentaries; but their Works have never been publiſh'd among us, and the greateſt Part of them have been deſtroy'd by Time, or are preſerv'd in the Libraries of Princes and Learned Men. Thoſe Works that have been publiſh'd, and are at preſent abroad in the World, are the *Nomocanon* of *Photius* Patriarch of *Conſtantinople*, which near to this very Time was publiſh'd in the Year 877, and divided into 14 Titles, to which *Theodorus Balſamon* added his *Scholia*.

THERE is the *Ecloga* of the *Baſilicæ*, which by ſome is alſo call'd *Synopſis*; ſome, according to *Cujacius* [1], take *Romanus the Younger*, Son of *Porphyrogenitus*, and Grandchild of *Romanus Lecapenus*, who reign'd about the Year 962, to have been the Author of it. This Work was found by *Joannes Sambucus* in our *Taranto* [2], a City, in the Time of *Romanus*, ſubject to the *Greeks*. *Antonius Galateus* [3] relates, that *Nicetas* a Philoſopher of *Otranto*, afterwards a Monk of St. *Baſil*, collected many Codes from *Greece*, and therewith inrich'd the Library of his Monaſtery, which being under the Rule of St. *Baſil*, not far from *Otranto*, became very famous and conſpicuous in theſe our Parts.

JOANNES LEUNCLAVIUS caus'd this *Ecloga* to be printed in *Baſil* in the Year 1575, and tranſlated it into *Latin*; and *Carolus Labbeus* added the Corrections and Obſervations [4] to it. In the ſame *Leunclavius* [5] we read likewiſe of another *Synopſis* of *Michael Attaliatus* Proconſul and Judge, made in the Year 1071, by the Order of the Emperor *Michael Dux*, which goes under the Name of *Pragmatica*. A little after, in the Year 1071, *Michael Pſellus*, famous for his Skill in the Laws and Philoſophy, compoſ'd another *Synopſis* in Verſe, which he dedicated to the ſame Emperor *Michael*.

LASTLY, *Conſtantinus Armenopolus*, a *Theſſalonian* Judge, about the Year 1143, in the Reign of *Emanuel Comnenus* publiſh'd the Epitome of the Civil Laws, which he firſt caus'd to be printed in *Greek* at *Paris* in the Year 1540, by *Adam Suallemberg*; it was afterwards tranſlated into *Latin*, and printed in the Year 1547. and 1549, by *Bernard Rey*, and again in *Lyons* by *John Mercer*, in the Year 1556: The Manuſcript is yet preſerv'd in the *Vatican* and *Palatine* Libraries.

CUJACIUS to all this likewiſe adds the Treatiſe of *Euſtathius* Anteceſſor *de Temporum intervallis*, which may be ſeen printed amongſt his Works. *Antonius Auguſtinus*, *Freerus*, and others, give us Account of other ſuch *Greek* Writings [6]; and *Leunclavius* gives us many Military, Rural, and Maritime Laws, as *Carolus Labbeus*, gives the *Paratitli*.

FROM which may be gather'd, that at the ſame time, when the Study of the *Roman* Laws was laid aſide by the *Latins* in *Italy*, by reaſon of the Incurſions of the *Saracens* and other Nations, and on account of the Diſſentions among our own Princes, the *Greeks* continued to cultivate it with the utmoſt Care to the very laſt, until *Conſtantinople* was ſubdu'd by barbarous Nations, and the Empire of the Eaſt was utterly ruin'd. And tho' their Labour was not beſtow'd on the Books of *Juſtinian*, yet they did not ſpare it on the other Collections made afterwards in Emulation of him, the Subſtance of which was taken out of his Books; but tho' they took much out of them, yet they added much more to them.

FOR theſe Reaſons it was, that tho' the Dukedom of *Naples*, and many Maritime Cities of theſe Provinces maintain'd themſelves long under the Dominion of the *Greeks*, yet nevertheleſs the Books of *Juſtinian* were not receiv'd in them; and tho' in the Time of the Emperor *Lothaire* II. the Pandects were found in *Amalphis*, a City once belonging to the Dukedom of *Naples*, and ſubject to the Emperors of the Eaſt, yet they were not taken for a Body of *Greek* Laws, by which the *Amalphitans* were govern'd; but their being found in this City was owing to the frequent Voyages which the *Amalphitans* made to *Conſtantinople*, after they became ſo exquiſite in the Art of Navigation, and by continual Commerce made themſeves known all over the *Levant*; for as there was no Veſtige of *Juſtinian's* Books to be found in the other Cities of theſe Provinces ſubject to the *Greeks*, ſo neither would any have been found in *Amalphis*, had it not been for the ſaid Commerce with the Eaſt; and what *Summontes* ſays, and with greater Aſſurance *Franciſco Pietri*, that the Pandects were likewiſe found in *Naples*, is ſuch an impudent Untruth, that 'tis ſurprizing to find Men ſo brazen-fac'd, as not to bluſh to affirm it ſo boldly, without the Authority of any Writer to vouch it. Only from the Letters of *Ivo* of *Chartres*, and the Decree of *Gratian* we may gather, that in the tenth and eleventh Centuries, ſome other Copy muſt have been handed about in *France*, for *Ivo* often in his Letters [1], and *Gratian* in his Decree, not only quote the Digeſts, but alſo the Inſtitutions, the *Novellæ* and the Code [2]. They were not known in theſe our Provinces which now make the Kingdom, before their being found in *Amalphis*; and with our *Longobard* Princes their own Laws prevail'd; neither were the *Roman* Laws heard of, but ſo far as they had continu'd by Tradition amongſt the Country People, and what could be collected from the *Theodoſian* Code corrected by *Charles the Great*.

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[1] Cujac. Obſ. 6. cap. 10.

[2] Arth. Duck, lib. 1. cap. 5. num. 7. Struv. loc. cit. §. 4.

[3] Galat. de ſitu Japygiæ.

[4] Struv. loc. cit.

[5] Leuncl. in Jur. Græc. Rom.

[6] Suares loc. cit. Struv. loc. cit.

[7] Struv. loc. cit.

NEVERTHELESS 'tis probable, that the *Baſilicæ*, and the Works of theſe *Greek* Lawyers lately mention'd, were rather us'd in the *Further Calabria*; ſeeing *Joannes Sambucus* found the *Ecloga* of the *Baſilicæ* in *Taranto*; and *Galateus* aſſures us, that in the Monaſtery of the Monks of St. *Baſil* in *Otranto*, many *Greek* Books were found after the taking of *Conſtantinople*, and afterwards carried to *Rome* and put in the *Vatican* Library; whence we may conclude, that in *Naples* and the other Cities ſubject to the *Greeks*, the *Novellæ Conſtitutiones*, publiſh'd by the laſt Emperors of the Eaſt after *Juſtinian*, and thoſe their laſt Collections, from which the *Jus Græcum* was fram'd, had more Force than the Books of *Juſtinian*; and that perhaps the *Neapolitan* Uſages take their Riſe from theſe laſt Laws of the *Greeks*, and not from the Ancient, as *Summontes* thought, which we ſhall take notice of when we come to diſcourſe of the Collections of them.

THIS is ſaid with regard to the State of thoſe Times in which the *Greeks* had again become powerful in theſe our Provinces; for afterwards when their Power among us was at a very low Ebb, and particularly in the Dukedom of *Naples*, where the Emperors of the Eaſt had only a Shadow of Authority left, becauſe the Dukes govern'd this Dukedom too abſolutely and independently; but eſpecially when the *Normans* appear'd among us, by whom the *Greeks* were driven out, neither they nor their Laws were any more regarded; for the *Neapolitans* being in the Neighbourhood of the *Longobards*, conform'd themſelves to the *Longobard* and the ancient *Roman* Laws, and not to the *Greek*, as all the other Provinces of which the Kingdom is now compos'd did; for the *Normans* having driven out the *Greeks*, retain'd the *Longobard* Laws, and commanded not only the *Roman*, but likewiſe the *Longobard* Laws to be obſerv'd every where, but gave greater Authority and Force to the latter. Thus we ſee, that before the coming of the *Normans*, in the Peace made in the Year 911, betwixt *Gregory* Duke of *Naples*, and *Atenulphus* Prince of *Benevento*, which was afterwards renew'd in the Year 933. by Duke *John* his Nephew with *Landulphus* I.; among other Things it was agreed, that in the Caſes or Differences that might ariſe betwixt the *Longobards* and *Neapolitans*, Judgment ſhould be given *abſque omni dilatione ſecundum legem Romanorum, aut Longobardorum, abſque malicioſa occaſione* [3], which was practis'd in the other Provinces and Cities of the Kingdom, where both the *Roman* and the *Longobard* Laws were obſerv'd by the Inhabitants in their Differences; for we read in *Leo Oſtienſis* [4], that about the Year 1017, there having a Diſpute ariſen betwixt the Monaſtery of *Monte Caſſino*, and the Dukes of *Gaeta* and the Counts of *Trajetto*, concerning the Right to ſome Lands and Woods within the Limits of *Aquino*, which was to be decided by the Prince of *Capua*; it was determin'd in Favour of *Monte Caſſino*, *tam ex Romanis legibus, quam ex Longobardis*. From two Records of two Sentences pronounc'd in the Time of the *Normans*, the firſt in the Year 1149, in the Reign of King *Roger*, and the ſecond in 1171, in that of King *William*, which we owe to the Care of *Camillus Pellegrinus* [5], we ſee, that the *Longobard* Law was embrac'd by all, and in the Deciſion of Caſes, greater Streſs was laid upon it than upon the *Roman* Law; the ſame was practis'd afterwards under Princes of other Nations who govern'd this Kingdom, as in the Courſe of this Hiſtory we ſhall continue to take notice of.

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[1] Ivo Epiſt. 46, 69, 79, 213, 224.

[2] V. Pancirol. lib. 3. c. 2. Struv. hiſt. Jur. Can. cap. 7. §. 17.

[3] The Inſtrument of this Peace is to be ſeen in Camil. Pel. hiſt. Princ. Long. pag. 323.

[4] Oſtienſ. in Chron. lib. 2. cap. 35.

[5] Pel. hiſt. Princ. Long. pag. 251, & 256.

CHAP. III.

The Kingdom of Italy *paſſes from the* French *to the* Italians: *Greater Revolutions happen on that account in theſe our Provinces; and the Riſe of the Dukedom of* Amalphis.

CHARLES *the Groſs* dying without leaving Male Iſſue, and the *Italian* Princes being reſolv'd not to part with the Kingdom of *Italy* and the Title of Emperor, leſt no Stone unturn'd in order to keep it amongſt themſelves; above all the reſt *Berengarius* Duke of *Friuli*, and *Guido* Duke of *Spoleto*, both of them equally powerful, and aſſiſted by numerous Parties, aſpir'd to the Kingdom; our Prince of *Benevento* could not attempt it, tho' formerly he could have more eaſily accompliſh'd it than they, but his Principality was now much on the declining Hand; and by being divided into ſo many Shares, had ſuffered many Calamities and Troubles. *Berengarius* and *Guido* then, in order to prevent Confuſion betwixt them, and that the one might not obſtruct the Deſigns of the other, propos'd two different Expeditions; *Berengarius* was to invade *Italy*, and *Guido France*. Accordingly upon *Charles*'s Death, *Berengarius* being ſupported by his Party, immediately without any Oppoſition poſſeſs'd himſelf of the Kingdom of *Italy*; but it was not ſo eaſy for *Guido* to make himſelf Maſter of *France*, becauſe the *French* had timely appointed *Eudo* Count of *Paris*, who was afterwards King of that Realm, as Tutor to *Charles the Simple*. *Guido* ſeeing himſelf prevented, return'd to *Spoleto*, and began to think of turning out *Berengarius*, who had already peaceably gone to *Pavia*, and, according to Cuſtom, had made himſelf to be crown'd by *Anſelm* Biſhop of *Milan*, and fix'd his Royal Seat in that City, as his Predeceſſors had formerly done. In the mean time *Guido* having procur'd the Favour of the Pope and the *Romans*, and ſupported by a numerous Party in Oppoſition to *Berengarius*, got himſelf to be proclaim'd King of *Italy*. Thus by a moſt wicked and pernicious Example *Italy* became divided into two Factions, and the People being divided betwixt the two Parties acknowledg'd two Kings. Altho' *Berengarius*'s Cauſe was the moſt juſt, nevertheleſs *Guido*'s Faction, being favour'd by the Pope and the *Romans*, increas'd very much; whereupon having rais'd a powerful Army, he march'd out of *Spoleto* fully reſolv'd to drive out his Enemy. They made a cruel War againſt one another, and after various Succeſs, *Berengarius* being routed, was at laſt forc'd to quit the Kingdom. *Guido* in the Year 890. having enter'd *Pavia*, eaſily made himſelf Maſter of all *Lombardy*, and being proclaim'd over all *Italy*, the following Year 891. he was alſo advanc'd to the Imperial Dignity; for having gone to *Rome* he was crown'd Emperor by Pope *Stephen*, and proclaim'd *Auguſtus*. Thus after ſo many Revolutions the Empire fell into the Hands of the *Italians*; and 'tis ſaid, that *Guido* in return for ſuch ſignal Service, confirm'd to the Pope all the Donations and Prerogatives which *Pepin*, *Charles the Great*, and *Lewis the Pious* had granted to the Church of *Rome*.

UPON his Return to *Pavia*, according to the Cuſtom of the other Kings of *Italy*, he having conven'd the States, both Eccleſiaſtical and Secular, granted many Privileges to the Churches and Cities; and in order to eſtabliſh his Kingdom of *Italy* in a better Form, in the Month of *May* this Year 891, he publiſh'd many Laws in *Pavia*. We have as yet to this Day ſome of the Laws of the Emperor *Guido* in the Volume of the *Longobard* Laws, which the Compilers added to that Volume, as being eſtabliſh'd by him as King of *Italy*, which had all Force and Authority there: we read one of them in the firſt Book under the Title *De Convictis*; another in the ſame Book *De Invaſionibus*; another in the ſecond Book under the tenth Title; another in the ſame Book under the Title *De Succeſſionibus*; and two others in the third Book under the twelfth and thirteenth Titles.

BY the Death of Pope *Stephen* V. which fell out this ſame Year 891, and the Election of *Sergius* in his Room, the Troubles in *Italy* and *Rome* increas'd; for ſome of a contrary Faction elected *Formoſus*; and as *Guido* favour'd the Faction of *Sergius*, ſo on the other hand *Berengarius* declar'd for *Formoſus*. *Berengarius* had had recourſe for Aſſiſtance to *Arnolphus* King of *Germany*, natural Son of *Carlomann*, who had likewiſe declar'd for Pope *Formoſus*, that by joining their Forces together he might recover the Kingdom; and this Prince who aſpir'd to the Empire of the Weſt, laid hold of the Opportunity with pleaſure, and ſent *Zuendebaldus* his Son into *Italy* with a powerful Army; but theſe Forces could do nothing againſt *Guido*, becauſe after ſeveral Encounters they were always worſted, and at laſt *Zuendebaldus* being forc'd to quit the Undertaking, return'd to *Germany*, and *Guido*, fluſh'd with this Victory, aſſociated his Son *Lambertus* with himſelf in the Empire.

BUT *Guido* did not continue long in this proſperous State, for *Berengarius* returning to *Worms*, where *Arnolphus* had caus'd a Diet to be conven'd, ſo order'd Matters, that he ingag'd this Prince to go to *Italy* in Perſon in order to drive out *Guido*, and to reſtore himſelf to the Kingdom of *Italy*; this Expedition at this Time was attended with Succeſs, he took *Bergamo*, the *Milaneſe*, and *Pavia* and *Placentia* yielded without Reſiſtance; and he ſent *Otho* the Grandfather of *Otho the Great*, whom we ſhall frequently have occaſion to mention, to *Milan*, and reſtor'd *Berengarius* to the Kingdom. *Guido* with his Son flying towards *Spoleto*, was purſu'd by his Victorious Arms; but dying ſoon after in the Year 894. by a ſudden vomiting of Blood, *Berengarius* could the better fix himſelf on his Throne; wherefore he made *Pavia* the Place of his Reſidence, and was wholly intent on ſettling his Kingdom.

BUT the Diſputes did not end in *Italy* on the Death of *Guido*, foraſmuch as thoſe of his Faction perſiſting obſtinately in their Engagements, combin'd more cloſely with his Son *Lambertus*, who had retir'd to *Spoleto*, and ſollicited him to accept of their Aſſiſtance againſt *Berengarius*.

NEITHER was their Effort in vain, for *Berengarius* being deſerted by his Party, and preſs'd hard by *Lambertus*, was forc'd to quit *Pavia*, which was immediately poſſeſs'd by *Lambertus*, where, with great Rejoicings, he was proclaim'd King by his own Party. But *Berengarius* being driven out, had his recourſe anew to *Arnolphus*, whom Pope *Formoſus* had ſollicited on the ſame Head. *Arnolphus* being urg'd by theſe two, was at laſt reſolv'd to go again into *Italy*, where being arriv'd, he took *Rome*, drove *Sergius* and his Faction out of it, and in the Year 896. was crown'd Emperor by Pope *Formoſus*, who took an Oath of Fealty to him. This was the firſt *German* who had been Emperor of the Weſt after the *French* and *Italians*; and in a ſhort Time there were three Emperors ſeen in *Italy*, *Guido*, *Arnolphus*, and *Lambertus*, for *Berengarius* hitherto had been ſole King of *Italy*. *Arnolphus* afterwards purſu'd *Lambertus*, but after various Turns of Fortune, Pope *Formoſus* dying, and his Party declining, and on the contrary the oppoſite Faction increaſing, *Stephen* VI. was elected, who exterminated the Faction of Pope *Formoſus*, and diſannulling all that he had done, condemn'd him as guilty of *Simony*, and his Body was thrown into the *Tyber* by thoſe of *Sergius*'s Faction. He declar'd the Election of the Emperor *Arnolphus* void, and on the contrary anointed *Lambertus* Emperor; but afterwards his Party declining, *Stephen* was impriſon'd by the *Romans*, and about the End of the Year 900. he was ſtrangled, and *Romanus* elected in his Room. He revers'd all that his Predeceſſor had done, caus'd to be condemn'd and declar'd void all that had been done againſt *Formoſus*; and having held the See but few Months, *Theodorus* ſucceeded him, who following the Footſteps of *Romanus*, reſtor'd all thoſe whom *Stephen* had baniſh'd. *Rome* never was ſeen in ſo great Confuſion and Diſorder, as in theſe truly deplorable Times. Neither had the Church of *Rome* ever been in ſo pitiful a Condition as now, when the Popes were elected by Factions; and all Hiſtorians agree, that ſhe was in a terrible Diſorder; and Cardinal *Baronius* himſelf ſays, that ſhe had fallen under the Dominion of two lewd Women, who plac'd their Gallants in St. *Peter*'s Chair, that were unworthy of bearing the Name of Popes; and that therefore the Church was many Years without a viſible Head, but that ſhe was preſerv'd by our Lord Jeſus Chriſt, who will never forſake her.

NO leſs were the Revolutions and Diſorders among the Secular Princes. The Empire of *Lambertus* being become grievous to the *Italians*, they again plung'd themſelves anew into Seditions; *Lambertus* was kill'd, and *Berengarius* reſtor'd, who immediately took Poſſeſſion of the Kingdom. Every Body would have believ'd, that at leaſt thoſe of *Lambertus*'s Party ought now to have put an end to Factions, and join'd with *Berengarius*; but the Event happen'd contrary to all Expectation: that there might not be wanting a Pretender, they ſet up *Lewis*, who at this Time reign'd in *Provence*, and was Nephew to the Emperor *Lewis* II. and invited him to come to *Italy*, and promis'd, that if he would drive out *Berengarius* they would proclaim him King. *Lewis* preſently came to *Italy*, and having driven out *Berengarius*, who retir'd to *Bavaria* for Shelter, and being crown'd King of *Italy* by the Archbiſhop of *Milan*, was afterwards alſo proclaim'd Emperor, and magnificently receiv'd by *Adelbertus* Marquiſs of *Tuſcany*.

IN the mean time *Berengarius* having march'd from *Bavaria* with a powerful Army, return'd to *Italy*, fought *Lewis*, impriſon'd him, and caus'd his Eyes to be put out, but ſpar'd his Life. Thus did he reign alone in *Italy*; and afterwards in the Year 915. he was crown'd Emperor by Pope *John* X. The Levity of the *Italians* did not end here; for being ſoon weary'd of the Government of *Berengarius*, they invited *Rodolphus* King of *Burgundy*, and in Oppoſition to *Berengarius* proclaim'd him King of *Italy*; whereupon a bloody and cruel War enſu'd betwixt theſe two Princes, and at laſt *Berengarius* was kill'd by *Rodolphus*'s Party in *Verona*. But *Rodolphus* enjoy'd the Kingdom but a ſhort Time, for Diſorders and inteſtine Factions prevailing, the *Italians* invited another Prince into *Italy* to rival him; this was *Hugo* Count of *Provence*, Nephew of *Lothaire* King of *Loraine*; who being come into *Italy*, and having chas'd away *Rodolphus*, was immediately crown'd King by *Lambertus* Archbiſhop of *Milan*, in the Year 926, and reſtor'd the Kingdom to better Order; and to ſecure it to himſelf the longer, being frighted by the Examples of his Predeceſſors, he enter'd into a ſtrict Alliance with *Henry* King of *Germany*, and *Romanus* Emperor of the Eaſt. Afterwards he aſſociated *Lothaire* his Son in the Kingdom, that ſo in his own Life-time he might eſtabliſh him in *Italy*: but all theſe Endeavours were in vain; *Rodolphus* was invited again, but that he might not expoſe himſelf to the Viciſſitude of Fortune, he refus'd to come. Notwithſtanding which, they did not want one to whom they had recourſe, *Berengarius* II. born of a Daughter of *Berengarius* I. was the Perſon pitch'd upon, who being invited by the *Italians*, was proclaim'd King in Oppoſition to *Hugo*, againſt whom they had conceiv'd an implacable Hatred. *Lothaire* his Son lamenting the Misfortune of his Father, at laſt prevail'd with the People of the *Milaneſe* to accept of him for their Sovereign; but his Reign was very ſhort, for he died ſoon after, in the Year 949, and *Berengarius* with *Adelbertus* his Son were crown'd Kings of *Italy*. Neither would the Miſeries and Afflictions of *Italy* have ended here, if at laſt the *Italians*, provok'd by the Tyranny of *Berengarius*, and guided by better Counſel, had not, by the Advice and Direction of the Pope, apply'd themſelves to a potent and glorious Prince, who drove out thoſe Tyrants rather than Kings, and put a Stop to ſo many Miſchiefs: This was the great *Otho* King of *Germany*, whoſe glorious Exploits will give occaſion to mention him frequently in the following Book of this Hiſtory.

BEHOLD in what a lamentable Condition *Italy* was for upwards of ſixty Years, when, by the failing of Male-Iſſue in the Off-ſpring of *Charles the Great*, the Empire was transferr'd from the *French* to the *Italians*; who, tho' they abhorr'd the Dominion of Strangers, yet could not govern themſelves better. Neither was there any that could give it Relief if it had not been transferr'd from the *Italians* to the *Germans*, in the Perſon of the Great *Otho*.

SECT. I.

The State of theſe our Provinces; and the aggrandizing of Amalphis.

IN the mean time our *Longobard* Princes, and the *Greeks* who had the Government of theſe our Provinces in their Hands, ſeeing all going to wreck, and there being none that was able to put a Stop to their ambitious Deſigns, did not fail to encroach upon one another. The Title of Emperor of the Weſt, or of King of *Italy*, as to them who took no manner of concern about it, was little better than extinct; whereupon the Power of the Emperors of the Weſt ceaſing, that of the Emperors of the Eaſt began to increaſe in theſe Provinces, and the Forces of the *Greeks* to be more conſiderable; whence it happen'd, that the *Greeks* having regain'd a great Part of *Puglia* and *Calabria*, and likewiſe made themſelves Maſters of *Benevento*, endeavour'd alſo to ſurprize *Salerno*; and whereas formerly the Princes of theſe States had laid their whole Streſs on the Emperors of the Weſt for Aſſiſtance againſt the *Saracens*, now they wholly depended on thoſe of the Eaſt; and the *Longobard* Princes themſelves had obtain'd their Favour, and had frequently demanded the Honour of Patriciate, a Dignity in thoſe Days the greateſt that the *Greeks* could give: So that, as we have ſaid, *Guaimarus* Prince of *Salerno*, for the better ſecuring his State, got the Principality confirm'd to him by the Emperors *Leo* and *Alexander*, as it had been allotted to *Siconolphus* by the Diviſion made with *Radelchiſius*.

THE State of theſe our Provinces towards the End of the ninth Century was this: The Principality of *Benevento* being confin'd to very narrow Bounds, having had the Principalities of *Salerno* and *Capua* disjoin'd from it, was in the Hands of the *Greeks*, and govern'd by *George* a Patrician, ſent by the Emperors of the Eaſt, who were now wont to ſend Officers to govern *Benevento*. But the *Greeks*, through their Pride and Vanity, uſing the *Beneventans* ill, made them reſolve to ſhake off the Yoke, and drive them out of that City.

THE Principality of *Salerno* was govern'd by *Guaimarus*, which had been confirm'd to him by the Emperors *Leo* and *Alexander*, Sons of *Baſilius*. *Capua* was under *Atenulphus*, who having driven out *Landulphus* and *Landon* his Brothers, had made himſelf Count of it. The County of *Capua* at this Time (according to the Anonymous Monk of *Caſſino*[1] and *Erchempertus*) comprehended all betwixt *Caſerta* and *Sueſſula*, in length reaching to *Aquino*, and once as far as *Sora*; and in breadth from *Cajazza* to the *Tyrrhenian* Sea, on both Sides of the Mouths of *Linturno*, *Vulturno*, and *Liri*[2].

A good Part of *Puglia* and *Calabria* had come under the Dominion of the *Greeks*, to whoſe Cities they ſent Patricians or Lieutenants to govern them. *Gaeta* with its ſmall Dukedom likewiſe belong'd to the *Greeks*, who appointed a Duke for governing it; in the Year 812. Duke *Gregory* govern'd it, and at this Time *Docibilis* was Duke of it. *Naples* with its Dukedom was govern'd by *Athanaſius*, both Biſhop and Duke, arbitrarily and independently; but the Bounds of this Dukedom were much confin'd, by *Amalphis* being taken off of it, which was govern'd by a Duke apart, who acknowledg'd the *Greek* Emperor for his Sovereign.

AMALPHIS, which ſome reckon no older than from the Year 600, was firſt govern'd by annual Prefects, afterwards it had its perpetual Dukes, in the ſame manner as *Naples*; and being divided from the Dukedom of *Naples*, by Degrees it began to extend its Limits, and to be govern'd by a Duke in Form of a Commonwealth. Its Bounds reach'd Eaſtwards to *Vico Vecchio*; and Weſtwards near to the Promontory of *Minerva*, and on that Side the Iſland of *Caprea* was afterwards added to it, and the other two Iſlands of the *Galli*. The Emperor *Lewis* taking the *Amalphitans* under his Protection againſt the *Neapolitans*, at which, as we have ſaid, *Baſilius* was offended, aſſign'd theſe Iſlands irrevocably to *Amalphis*; whence we read, that

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[1] Ignot. Caſſin. apud Pell. n. 23, & 26.

[2] V. Pell. Chron. Com. Capuæ, pag. 142.

Lewis ſent the *Amalphitans* to ſet Biſhop *Athanaſius* at Liberty, who had been made Priſoner by *Sergius* Duke of *Naples*; and for that reaſon, even as to what relates to the Eccleſiaſtical Polity, the Biſhop of *Caprea* was Suffragan to the Archbiſhop of *Amalphis*, and not to the Archbiſhop of *Naples*. Towards the North this Dukedom comprehended the City of *Lettere*, of old call'd *Caſtello di Stabia*, with *Gravanio Pirio*, now call'd *Gragnano*, *Pimontio*, and *Caſale de Franchi*; and towards the South *Amalphis* itſelf, *Scala*, *Ravello*, *Minori*, *Majuri*, *Atrani*, *Tramonti*, *Agerula*, *Citara*, *Prajano*, and *Poſitano*.

IN proceſs of Time this Dukedom ſo exalted itſelf, that the *Amalphitans* became famous for Navigation all over the Eaſt, and increas'd both in Power and Riches; therefore they made and ſuſtain'd many Wars; they aſſum'd the Power of making Laws in relation to Trade, and the Commerce of the Sea; which with us had the ſame Force and Authority as the *Rhodian* Law had with the *Romans*; and *Marinus Freccia* [1] teſtifies, that all Diſputes about Navigation and Maritime Commerce were decided by the *Amalphitan* Laws. And who is it but knows, that the wonderful Invention of the Mariners Compaſs is owing to *Flavio Giſia*, a Native of *Poſitano*, a ſmall Village of this Dukedom? They likewiſe aſſum'd the Prerogative of coining Money, which they laid out in all the Eaſtern Nations; whence the *Tarini Amalphitani* became ſo famous, which are mention'd in our Cuſtoms, and many old Charters. They elected their Dukes out of their own Body, altho' they were afterwards confirm'd and made Patricians by the Emperors of the Eaſt. They became much more famous and renown'd in the Time of the *Normans*, as in the Progreſs of this Hiſtory will be ſeen; and they enjoy'd this Liberty till the Year 1075, that *Robert Guiſcard* having ſubdu'd *Salerno*, added this Dukedom to his Dominions; altho' for a long time they ſtill retain'd ſome Veſtiges of their decaying Liberty.

BEHOLD into how many Principalities and Governments, that which now makes one Kingdom was divided in theſe Times. The *Saracens* over-running every where, and carrying Deſtruction and Ruin along with them to every Place, it was no wonder that they at laſt gave way to a ſuperior Force, and ſubmitted to the powerful and brave *Normans*, who had now ſubdu'd the *Greeks*, *Saracens*, and *Longobards*.

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[1] Freccia de Subfeud. pag. 27. In Regno non lege Rhodia maritima decernuntur, ſed Tabula quam Amalphitanam vocant, omnes controverſiæ, omnes lites, ac omnia Maris diſcrimina ea lege, ac ſanctione, uſque ad hæc tempora ſiniuntur.

CHAP.

CHAP. IV.

The Principality of Benevento *retaken from the* Greeks; *and the County of* Capua *reunited to it.*

THE *Beneventans*, as we have ſaid, not being able to bear the harſh and ſevere Government of *George* the Patrician, reſolv'd to ſhake off the *Greek* Yoke [1]; they who had been us'd to govern, could ill bear to be in Slavery; therefore they wrote to *Guaimarus* Prince of *Salerno*, who had maried *Jota* Siſter of *Guido* III. Duke of *Spoleto*, that he would deſire his Brother-in-Law to come to *Benevento* with a good Army, and they would deliver themſelves up to him. This was not that *Guido* who aſpir'd to the Empire, which he long contended for with *Berengarius*, as ſome have believ'd; he was the Son of *Guido* II. Duke of *Spoleto*, whom *Erchempertus* mentions [2]; for, as we have ſaid, the Emperor *Guido* died of a ſudden vomiting of Blood, in the Year 894, and *George* was driven out of *Benevento* by this other *Guido* in the Year 896. *Guido* then came immediately to *Salerno*, accompanied with gallant Soldiers, under pretence of ſeeing his Siſter, and afterwards to *Benevento* with a ſufficient Army; the *Beneventans* who would have none other, ſurrender'd themſelves to him, and drove out *George*, and for Five thouſand Ducats ſpar'd his Life: Thus did the *Greeks* loſe *Benevento* five Years after they had taken it.

GUIDO held the Principality of *Benevento* not full two Years, for he return'd to *Spoleto*, and being employ'd in other Undertakings, reſolv'd to yield it to *Guaimarus* his Brother-in-Law: *Guaimarus* attempted to take Poſſeſſion of it; but the *Beneventans* becauſe of his cruel and wicked Practices, not being willing to accept of him, they adviſ'd *Adelferius Caſtaldus* of *Avellino*, to way-lay him in order to fruſtrate his Deſigns: *Adelferius* ſurpriz'd him in the Night-time, and putting out his Eyes, oblig'd him to retire to *Salerno*, in the Year 898 [3]. Of which the *Beneventans* being appriz'd, they reſolv'd to reſtore *Radelchis* to the Principality, whom they had twelve Years before turn'd out of it. Thus was *Radelchis* reſtor'd in the Year 898.

BUT through his Ignorance of the Art of Government, his Simplicity and Indolence, he again loſt the Principality; for ſuffering himſelf to be ruled by *Virialdus*, a cruel Man, who treated the *Beneventans* very ill, he was again turn'd out. He, at the Inſtigation of *Virialdus*, baniſh'd a great many Noble *Beneventans*, who retir'd to *Capua* for Shelter, and were there ſplendidly entertain'd by Count *Atenulphus*, who ſo cunningly ingratiated himſelf into their Affections, that they began to think how to drive out *Radalchis*, and advance him to the Principality of *Benevento*; and tho' the *Benevantans* had often, amidſt their Junquetings and Paſtimes, inſinuated this their Deſign; *Atenulphus* ſeemingly underſtood it as ſpoken in Jeſt, but however knowing what they would be at, he likewiſe privately began to think on Means by which he might accompliſh it.

That he might not be diverted from this Enterprize by *Guaimarus*, Prince of *Salerno*, he reſolv'd to enter into a near Alliance with him, and by a very ſubmiſſive and affectionate Embaſſy, with Prayers and Intreaties, he begg'd the

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[1] Anon. Salern. par. 4. num. 6. apud Pell.

[2] Erchemp num. 74.

[3] Anon. Salern. p. 4. num. 6.

Daughter of Prince *Guaimarus* the Elder, for *Landulphus* his Son, and proteſted, that he would be ſubject to him, as his Predeceſſors had been to the Princes of *Salerno*[1]; but by the Inſtigation of *Landulphus* and *Pandon*, who having been driven out of *Capua* by *Atenulphus* their Brother, had ſhelter'd themſelves in *Salerno*, all theſe Offers were rejected: They boaſted, that in a ſhort Time they would turn him out of his Dominions, which he had uſurped from them, and therefore were againſt making Peace with him. With them *Jota*, the Wife of Prince *Guaimarus the Elder* likewiſe joyn'd, who, ſcorning to give her Daughter to *Landulphus*, was wont to ſay, that ſhe being deſcended of Royal Blood (for ſhe was Daughter of *Guido* II. Duke of *Spoleto*) would, by no means, match her Daughter with one of her Subjects: She ſaid ſo, becauſe the Counts of *Capua* were formerly Subjects of the Princes of *Salerno*; for, by the Diviſion made of theſe two Principalities, *Capua* was comprehended in that of *Salerno*, and not in that of *Benevento*.

Therefore *Atenulphus* ſeeing himſelf thus ſlighted, loſt all Patience, and this his Deſign not ſucceeding, endeavour'd to make Alliance with *Athanaſius*, both Biſhop and Duke of *Naples*. This Duke had a Daughter, call'd *Gemma*: He ſought her for his Son, to which *Athanaſius* immediately conſented, by means of which Match, they entered into a firm and ſettled Peace[2].

IN the mean time the Diſorders in *Benevento* increaſed, and many Citizens, tho' they were not exil'd, yet voluntary flying, left their native Country, and ſhelter'd themſelves in *Capua*; ſo that the *Beneventans* growing numerous in *Capua*, entered into a Conſpiracy with their Kindred there; they imparted the Secret to *Atenulphus*, and taking Arms, with a few *Capuans* whom *Atenulphus* took along with him, went privately to *Benevento*, and by a ſecret Correſpondence with thoſe within, ſurpriz'd the City in the Night-time, ſurrounded the Palace where *Radelchis* was, and made him Priſoner. In the mean Time, all the Malecontents, and thoſe that had been baniſh'd, over-running the City, in an Inſtant both the Nobles and People join'd them, and unanimouſly proclaim'd *Atenulphus*. *Atenulphus* ſeeing himſelf with ſo univerſal Conſent thus rais'd to this high Dignity, did not fail, on his Part, to carry himſelf with extream Mildneſs and Humility to all, and in order to gain the *Beneventans* to be the more firm in his Intereſt, he was profuſe in his Gifts to them: Thus *Atenulphus* from a *Caſteldatus*, and after having govern'd *Capua* Thirteen Years as Count, this Year 900, was made Prince of *Benevento*; and thus was the County of *Capua* united to the Principality of *Benevento*, and of two, made one State in the ſame Perſon, to the great Diſlike of ſome of *Radelchis*'s Party, who could not bear the Dominion of a Stranger, as they call'd *Atenulphus*, becauſe he was not deſcended of the Race of the antient Dukes and Princes of *Benevento*.

ATENULPHUS did not divide theſe States, but retain'd the ſame Polity, neither was this the firſt Riſe of the Princes of *Capua*; nor did the County of *Capua* now begin to be a Principality, as ſome have believed; for *Atenulphus*, as well as his Sons, were call'd Princes, becauſe they held the Principality of *Benevento*; and if, ſometimes, in ſome Records of our Antiquity, they are call'd *Capuan* Princes, it is becauſe both *Atenulphus* and his Sons, *Landulphus* and *Atenulphus* who ſucceeded him, continu'd to keep their Reſidence in *Capua*, which they made their Seat; ſo that by degrees, according to the Cuſtom of the Vulgar, they began to be call'd *Capuan* Princes, becauſe they reſided in *Capua*; not that *Atenulphus* had erected *Capua* into a new Principality, diſtinct from that of *Benevento*, which we ſee clearly from the Agreement made betwixt *Gregory* Duke of *Naples*, and the Princes *Landulphus* and *Atenulphus*, renewed afterwards in the Year 933, by *John*, Nephew of *Gregory*, who ſucceeded his Uncle, where, among other Things, we read; *In toto Principatu veſtro Beneventano cum omnibus ſuis pertinentiis; nec in toto Comitatu Capuano; nec in Teano cum pertinentiis ſuis*; which *Camillus Pellegrinus* and the *Anonymous Salernitan* prove.

ATENULPHUS, the more firmly to eſtabliſh the Principality in his Maledeſcendents, forthwith aſſociated his Son *Landulphus* in the Year 901, who, from this Year, together with his Father, govern'd it; and after having ſtay'd ſome time in *Benevento*, he return'd to *Capua*, where he reſolv'd to reſide, leaving the Government of that City to *Peter* its Biſhop, for which he could not much commend himſelf, becauſe he diſcover'd that the Biſhop had conſpir'd, with ſome *Beneventans*, treacherouſly to make himſelf Maſter of the City: Whereupon he immediately return'd to *Benevento*, impriſon'd the Rebels, and turn'd out the Biſhop, who, full of Shame, retir'd to *Salerno*, under the Protection of Prince *Guaimarus*, who receiv'd and furniſh'd him all Things neceſſary, out of Hatred to *Atenulphus* his Enemy. The City of *Benevento*, by degrees, began to decay in its Splendor; for the Seat of its Princes being transfer'd to *Capua*, it thereby loſt much of its Majeſty, and afterwards being ſpoil'd by the *Saracens*, it loſt all its Worth and Eminency; and, on the contrary, *Capua* began to be exalted and become more eminent.

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[1] Anon. Salern. par. 5.

[2] Anon. Salern. p. 5. num. 2.

[3] Anon. Saler. pag. 5. num. 5.

AT the ſame time there happen'd, alſo, great Diſorders in *Salerno*; for the *Salernitans* being uneaſy under the harſh and cruel Government of *Guaimarus*, after *Adelferius Caſtaldus* of *Avellino* had put out his Eyes, openly rebell'd, and had their recourſe to *Guaimarus* his Son, crying out, That they could no longer endure the Cruelty of his blind Father, but would have himſelf for their Lord; and having ſo ſaid, they took him, and carrying him to the Church of St. *Maximus*, proclaim'd him their Prince [1]; thus in the Year 901, having depos'd the cruel Father, they liv'd long under the mild Government of the Son, joyfully and with pleaſure; ſo that in the Chronicles of the Princes of *Salerno*, the firſt *Guaimarus*, is call'd *Malæ Memoriæ*, and the Second, his Son, *Bonæ Memoriæ*, juſt ſo as the *Normans* call'd *William the Wicked*, and *William the Good*.

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[1] Leges Bajoariorum tit. 11. non invalidum Ducem ſuo è Regno ab filio dejici, ſed Ducem viribus animi, corporiſque conſtantem, atque non cæcum, vel non ſardum, vetebant.

SECT. I.

New Incurſions of the Saracens, *and recourſe had on that Account to the Emperors of the Eaſt.*

IN the mean Time, the *Saracens*, who had fortified themſelves ſtrongly in *Garigliano*, and over-running every where, infeſted the Principality of *Benevento*, and the County of *Capua*, could not be ſtopp'd by leſs or equal Forces. *Atenulphus* once join'd with *Gregory* Duke of *Naples*, who had ſucceeded *Athanaſius*, and with the *Amalphitans*, endeavoured to exterminate them; but this Enterprize did not anſwer his Expectation: He perceiv'd that all would be in vain, if he got not foreign Aſſiſtance. It was to no Purpoſe to have recourſe, as formerly, to the Emperors of the Weſt; they were in as great Difficulties themſelves, by reaſon of the ſo many Revolutions in which they were involv'd: It was wiſely reſolv'd then, to apply for Aſſiſtance to the Emperor *Leo*, who had ſucceeded his Father *Baſilius*, and at this Time govern'd in the Eaſt, for which Purpoſe he ſent his own Son *Landulphus*, his Partner in the Government, to *Conſtantinople*, who being courteouſly received by *Leo*, got a Promiſe of all the Aſſiſtance he could deſire. As formerly the Emperors of the Weſt were fond of aſſiſting our Princes, ſo now thoſe of the Eaſt ſought to do the ſame, becauſe by that Means they might be able to reſtore their Soveraignty over theſe Provinces, which they had loſt by the Power of thoſe of the Weſt; therefore beſides ſending a powerful Army into them againſt the *Saracens*, *Loo*, in order to make himſelf acceptable to our Princes, likewiſe adorn'd them with the Dignity of *Patriciate*, which was much eſteem'd in thoſe Times; therefore he beſtow'd it on *Landulphus*, as he did afterwards on *Gregory* Duke of *Naples*, and *John* Duke of *Gaeta*.

IN the mean time *Atenulphus*, whilſt *Landulphus* was abſent, in this Year 910, alſo aſſociated his other Son of his own Name *Atenulphus*, in the Principality; and with great Anxiety was expecting the promis'd Succours, being altogether bent on driving out the *Saracens* from theſe Provinces; but all his Meaſures were broke by unexpected Death. He died in *Capua* in the Month of *April*, this Year 910, and ſome relate his Death to have been in the Month of *July*, the following Year. He was buried in *Capua*, ſo that the Tombs of the Princes his Succeſſors, are not to be ſeen in *Benevento*, but henceforth in *Capua*, where they fix'd their Seat. He died regretted by all, after having held *Beneventum* Ten Years and Six Months. A Prince truly glorious, and who was the Raiſer of his own Fortune, having, by his own incomparable Induſtry, from a ſimple *Caſteldatus*, advanc'd himſelf to the Throne of the Princes of *Benevento*; but much more commendable was he, for having brought about the Union of the Two States of *Benevento* and *Capua*, which was the Occaſion of their longer Duration, and prevented their Ruin, which would have been ſooner than it afterwards happened; and for having educated his Sons in ſuch a Conformity of Sentiments, that by a ſingular Example after his Death, with the greateſt Unanimity they govern'd the Principality without the leaſt Diſturbance.

LANDULPHUS, while he was in *Conſtantinople*, hearing of his Father's Death, immediately return'd to *Capua*, where being made welcome by his Brother *Atenulphus*, both of them joyntly, with wonderful Concord, govern'd the State, neither would they divide it betwixt them, as the Father had adviſed, nor the one govern in *Benevento*, and the other in *Capua*; but both having fix'd their Reſidence in *Capua* as formerly, apply'd themſelves to the Government of the State.

IN the mean Time, the Army ſent by the Emperor *Leo*, arriv'd under the Command of *Nicholas Picigli*, a *Patrician*, who, in order the more to ſecure the Friendſhip of the Neighbours, brought with him the Dignity of *Patriciate* from the Emperor, to *Gregory* Duke of *Naples*, and *John* Duke of *Gaeta*. And having joyn'd his Army with that of theſe Two, and with the Troops of *Guaimarus* Prince of *Salerno*, and being likewiſe conſiderably reinforc'd from *Puglia* and *Calabria*, which were then for the moſt part under the Dominion of the *Greeks*, he incamp'd along the *Garigliano*, oppoſite to the *Saracens*. Pope *John* X. or XI. as ſome have written, who equally intereſted himſelf in the Expulſion of theſe Barbarians, and had therefore written many Letters about it to the Emperor *Leo*, would likewiſe have his Share in ſo glorious an Undertaking, in which he had alſo ingag'd the Marquiſs of *Tuſcany* his Brother, and came with a great Body of Men and pitch'd his Camp on another Part of the River. *Sigonius*[1] believ'd, that *John* X. was the firſt Pope that had been ſeen at the Head of an Army; but he certainly was not the firſt, ſince as we have ſaid, *John* VIII. ought not to be robb'd of that Honour, who was the firſt that laid aſide the Keys, in order to brandiſh the Sword.

THE *Saracens* ſuſtain'd this Siege for three Months, under the greateſt Hardſhips; but at laſt being deſtitute of all manner of Proviſions, out of Deſpair, ſet Fire to their Fortreſs and burnt all they had, not ſparing the Treaſure which they had plunder'd in different Places, and laid up here; and then in a cloſe Body all together, broke out with Fury, and ran to the Woods and the Tops of the Mountains to ſave themſelves; but being purſu'd by our People, there was a terrible Slaughter made of them: Thus in the Year 916, according to *Lupus Protaſpata*[2], the *Saracens* were driven from *Garigliano*. But although this Province was freed from that Plague, yet the Remains of them being afterwards joyn'd by another Body that had come from *Africa*, and beſieg'd *Rome* (which Undertaking they had ſhamefully given over) at laſt return'd to Mount *Gargano* in *Puglia*, where they built a ſtrong Fortreſs, from whence they annoy'd all that Province, and at laſt went and pillag'd and burnt *Benevento*, and put all *Puglia* and the neighbouring Places in Confuſion.

THE Damage which this Province ſuffer'd from the *Saracens* was not enough; but the Inhabitants themſelves muſt occaſion greater; for the *Appulians* and the *Calabrians* not able to bear the heavy Yoke of the *Greeks*, revolted from them, and gave themſelves up to *Landulphus* Prince of *Benevento*, who was in hopes of reſtoring *Bari* and many Cities of *Puglia* to his Principality, therefore he turn'd his Arms againſt the *Greeks*; but the *Appulians* and *Calabrians* were quickly reduc'd by the *Greeks*, who being terribly inrag'd againſt *Landulphus*, had recourſe even to the

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[1] Sigon. ad A. 1053. Poſt Joannem X. Pontifex nemo ad bellum prodierat.

[2] Ad An. 926.

Aſſiſtance of the *Saracens*, whom they invited out of *Africa*, and in the Year 919, reduc'd them in ſpite of what *Landulphus* could do; and that the City of *Bari*, the Seat of the Governor, together with *Puglia*, might be well govern'd, the Emperor ſent a new Governor nam'd *Urſileus*, a noble and valiant Captain, who, with the utmoſt Care, apply'd himſelf wholly to the preſerving of this Province from the Attempts of *Landulphus*; he went to encounter him at *Aſcoli*, where, at the firſt Onſet, *Landulphus* was taken by the *Greeks*, and beſides, in the Heat of the Battle, *Urſileus* was killed; which ſo diſhearten'd the *Greeks*, that they were defeated, ſo that this Prince not only recover'd his Liberty, but gaining a compleat Victory, he invaded *Puglia*, which afterwards, according to *Lupus Protoſpata* [1], in the Year 929, in Confederacy with *Guaimerus* Prince of *Salerno*, he forc'd to ſubmit and kept Poſſeſſion of it Seven Years.

WHEREFORE, in theſe Times, the Succeſs of our *Longobard* Princes and the *Greeks* was various: They frequently fought againſt one another, and once near *Matera* they had a ſharp Encounter, where *Imogalaptus* the Governor was kill'd on the Spot; and the *Greeks* ſometimes loſing, ſometimes gaining, though at laſt they recover'd *Puglia* and *Calabria* from the *Longobards*; yet, as *Baronius* believ'd [2], they did not re-take that Part of *Campania* which is waſh'd by *Vulturno*; for in theſe Times, and afterwards, it was always poſſeſs'd by the Princes of *Benevento*, and Counts of *Capua*, as *Pellegrinus* [3] well demonſtrates. Thus it happened, that ſometimes our *Longobard* Princes were Enemies, and ſometimes Friends, Confederates and Dependents of the *Greek* Emperors, *Romanus* and *Conſtantine*, who ſucceeded *Leo* VI. 'Tis very true, that after *Puglia* and *Calabria* were reſtor'd to the *Greeks*, the Bounds of the Principalities of *Benevento* and *Galeno*, were much more confin'd than formerly under the *Longobard* Princes, when the Dukedom of *Benevento* was ſo far extended, that, as we have ſaid, it comprehended all that which now makes the Kingdom of *Naples*.

PRINCE *Landulphus* reign'd together with his Brother *Atenulphus* II. Twenty Two Years, to the Year 932. Afterwards this Prince was turn'd out, and having retir'd to *Salerno*, was kindly receiv'd by *Guaimarus* II. his Son-in-Law. However *Landulphus* retain'd in his publick Writs his baniſh'd Brother's Name; and therefore at this Time, *Gregory* having ſucceeded his Nephew *John*, in the Dukedom of *Naples*, the Agreement made in the Year 911, betwixt the ſaid *Gregory* and *Atenulphus* I. was received by him, in which Agreement, *John* Conſul and Duke, promiſes to *Landulphus* I. and *Atenulphus* II. his Brother, though the laſt was a Fugitive in *Salerno*, and to *Atenulphus* III. Son of *Landulphus* I. not to moleſt the Principality of *Benevento* with its Dependencies, nor the Counties of *Capua* and *Teano* with their Dependencies, nor the People of thoſe States; but to preſerve a friendly Correſpondence with them; and a ſolid and ſettled Peace was agreed upon betwixt theſe People, and that their Law Pleas ſhould be decided *ſecundam legem Romanorum, aut Longobardorum*; and many other Articles were agreed to betwixt them, according to the Tenor of the *Longobard* Laws; whence, as we have obſerv'd elſewhere, it clearly appears, that from this Time amongſt theſe People, the *Longobard* was the prevailing Law, and obſerv'd indifferently. And in this Agreement, 'tis likewiſe to be obſerv'd, that the Dukes of *Naples* were always ſubordinate to, and dependent on the Emperors of the Eaſt; for at this Time *Conſtantine* and *Romanus* reigning in *Conſtantinople*, that by theſe Promiſes and Agreements, nothing might be done in Prejudice of the Soveraignty which the Emperors of the Eaſt had over the Dukedom of *Naples*, Duke *John* adds, *Hæc omnia vobis obſervabimus, ſalva fidelitate Sanctorum Imperatorum.*

ATENULPHUS II. dying in *Salerna* in the Year 933, *Landulphus* aſſociated *Atenulphus* III. his Son, and another *Landulphus*, likewiſe his Son, whom we ſhall call *Landulphus* II. in the Principality.

LANDULPHUS the Elder died about the Year 943, leaving theſe two Sons his Succeſſors. But the Year following 944, *Landulphus* II. was left to reign alone. *Beneventum* was never ſeparated from *Capua*, with reſpect to the Adminiſtration and Government, being always comprehended under one Dynaſty, though becauſe the Seat was in *Capua*, they were call'd *Principes Beneventanorum & Capuanorum* [4].

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[1] A. 929.

[2] Ad. A. 942. num. 11.

[3] Pellegr. ad Lup. Protoſp. num. 940.

[4] Pellegr. par. 5. ad Anon. Saler.

PRINCE *Landulphus* II. in his Life-time, in the Year 959, aſſociated with himſelf in the Principality, his two Sons, *Pandulphus*, whom *Oſtienſis*, and other Writers, call *Iron-head* (whom we ſhall often have occaſion to mention on account of his famous Exploits, and becauſe the Principality of *Salerno* was likewiſe united in his Perſon) and another *Landulphus*, whom therefore we ſhall call III. who, *Landulphus* II. dying about the Year 963, ſucceeded him in the Principality; but *Landulphus* III. having divided with his Brother, the Principality of *Benevento* fell to his Share, and he fix'd his Seat in *Benevento*[1]; ſo that once more theſe two States were ſeparated; *Landulphus* governing in *Benevento*, and *Pandulphus Iron-head* in *Capua*. But afterwards in the Year 969, *Landulphus* III. dying, although he left a Son *Pandulphus* II. yet nevertheleſs, *Pandulphus Iron-head*, out of a paſſionate Deſire of Dominion, took the Principality of *Benevento* to himſelf, and his Son *Landulphus* IV. excluding his Nephew *Pandulphus* II. who, nevertheleſs, at laſt in the Year 981, having driven out *Landulphus* IV. recover'd it, and tranſmitted it to his Poſterity, as we ſhall relate in the following Book.

IN the mean time, by the Death of *Guaimarus*, which fell out in the Year 933[2] *Giſulphus* his Son, ſucceeded in the Principality of *Salerno*. He govern'd the Principality long, with alternate Fortune; and in his Time, according to *Leo Oſtienſis*[3], in the Year 954, the Body of the Apoſtle *Mathew* was diſcover'd in *Peſto*, a City of *Lucania*, by the Revelation of that Saint himſelf; and that *Salerno* might not be ſhort of *Benevento*, whither the Body of Saint *Bartholomew* had been tranſported from *Lipari*, that of Saint *Mathew* was tranſported to *Salerno*. Both of them came to us from moſt remote Parts; the one from the *Indies*, and this other from *Ethiopia*, where he ſuffer'd Martyrdom: From *Ethiopia* 'tis ſaid to have been tranſported to *Britain*, from thence to *Peſto* in *Lucania*, and from thence to *Salerno*[4]. We ſhall likewiſe hear of the Body of Saint *Andrew* being worſhip'd in *Amalphis*, and that of Saint *Thomas* in *Ortona*, and in fine, many Cities of the Kingdom value themſelves on having the Bones and Reliques of almoſt all the Holy Apoſtles.

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[1] Pellegr. in Stem.

[2] Pellegr. in Stem. P. Salern.

[3] Oſtien. lib. 2. cap. 5.

[4] V. Baron. ad A. 954. & Pagi.

CHAP. V.

The Eccleſiaſtical Polity.

'TIS not to be expected that we ſhall find the Eccleſiaſtical State in any true Form or Regularity in theſe Times. The Church was in a moſt lamentable Condition, and in terrible Diſorder, and in a Chaos of Wickedneſs: Popes were excommunicated by their Succeſſors, their Decrees made void, and the Sacraments adminiſtred by them annull'd: Six Popes were turn'd out by thoſe who wanted to ſucceed them, and Two even murthered. *Theodora*, a famous *Roman* Curteſan, by the Faction ſhe had in *Rome*, made one of her common Bullies Pope, who call'd himſelf *John* X. At Twenty Years of Age, *John* XI. who was the baſtard Son of Pope *Sergius*, who died Eighteen Years before, was likewiſe made Pope. Pope *Stephen* VIII. was ſo branded in the Face with Marks of Infamy, by order of *Alberigus*, that he never any more ſhew'd himſelf in Publick. The Popes were no more elected by the Clergy; but the See of *Rome* was become a Prey to Covetouſneſs and Ambition. In fine, ſuch and ſo great Diſorders and Inconveniencies were hatched in theſe

Times, that all Hiſtorians agree, that theſe were not Popes, but Monſters; and Cardinal *Baronius* writes, that the Church was in theſe Times without a Pope, but however not without a Head, *Chriſt* her ſpiritual Head remaining in Heaven, who does not forſake her.

EVERY Body may judge how the other Churches of *Italy*, and of theſe our Provinces were manag'd, by conſidering what the State of the Members could be when the Head was ſo much indiſpos'd. In *Capua Landulphus* was both Biſhop and Count of that City at the ſame Time; in *Naples Athanaſius* was both Biſhop and Duke, and headed Armies, made Leagues with the very *Saracens* againſt the Pope and other Chriſtian Princes, and deſtroy'd theſe our Provinces. Neither were theſe Matters better manag'd out of *Italy*; the great Men gave Biſhopricks to their Soldiers, and alſo to Children under Age: Count *Eribertus* Uncle of *Hugh Capet*, made his Son of five Years old Archbiſhop of *Rheims*, and Pope *John* X. confirm'd that Election.

NOTWITHSTANDING all this, towards the End of this ninth Century, and in the Beginning of the Tenth, there were Canons eſtabliſh'd in ſeveral Synods in order to put a Stop to ſo great Remiſſneſs of Diſcipline; but all to no purpoſe, they had no Effect for want of being put in due Execution. Some Biſhops however, and likewiſe ſome private Men made a Collection of theſe Canons; but almoſt all of them beſtow'd their Labours on Books of Penance; there came out the Penance-Book of *Theodorus* of *Alitgarius*, and of a great many more [1]. There were beſides, ſome other Collections of Canons, ſuch as that of *Jarlandus Criſopolitanus*, intitled *Candela*; that of *Iſaccus*, ſurnamed *the Good*, Biſhop of *Langres*; another of *Erardus* Biſhop of *Tours*; and one of *Walter* Biſhop of *Orleans*; but above all theſe Collections, that of *Reginon* Abbot of *Prom*, made in the Year 906, by Order of *Ratbodus* Archbiſhop of *Triers*, was the moſt univerſal, which comprehended all the Eccleſiaſtical Law, and was the moſt Methodical that appear'd in theſe Times [2]; therefore *Burcardus*, *Ivo* of *Chartres*, and other Compilers of Canons after them, have made uſe of it, and have in a manner tranſcrib'd it in their Collections.

BUT notwithſtanding the ſo great Remiſſneſs in the Eccleſiaſtical State with regard to Diſcipline and Spiritual Matters, yet for all that, the inlarging of Juriſdiction, and the Increaſe of Temporal Riches were not in the leaſt neglected. The Popes made uſe of their Authority not only over the Laicks by Cenſure and Diſpenſations, but likewiſe over the Metropolitans and Biſhops; they made new Regulations by ſuppreſſing the Rights and Prerogatives of the Metropolitans and Biſhops, and they likewiſe claim'd the Direction of all Eccleſiaſtical Affairs within their Provinces and Dioceſſes.

RECOURSE was often had to *Rome* in thoſe Days, not out of Devotion, but in order to obtain Diſpenſations in every caſe, and the Apoſtolical Diſpenſations were made a Cloak to cover Avarice and Ambition; the Prohibition eſtabliſh'd by the Canons in ſo many Councils, ſerv'd only to oblige a great many People to run to *Rome* in order to obtain Diſpenſations; the forbidden Degrees in Matrimony were therefore extended to the fourth Degree; and the Spiritual Affinity betwixt the Godfather and Godmother, and their Sons and Daughters was introduc'd, which was alſo extended to Degrees more remote. But the Popes being ſuch as we have above deſcrib'd, diſpens'd with every Thing, tho' againſt the Canons, and the Eccleſiaſtical Cuſtoms, making no Diſtinction betwixt what they could, and what they could not do, looking upon every Thing that was brought before them by thoſe who had recourſe to them, as an Augmentation of their Grandeur; if thoſe that applied to them were Rich and Great, for their own Advantage they prohibited what was deſir'd of them; the People partly by their own Simplicity, partly ſtanding in awe of thoſe in Power, approv'd of what they could not prevent: So that it became an eſtabliſh'd Opinion, that no ſooner any Thing whatſoever was confirm'd by the Pope, than all by-paſt Crimes were blotted out.

MANY would be apt to believe, that the little Concern the Eccleſiaſtical Order had for Spiritual Matters, and the Looſeneſs of Diſcipline would have cool'd the ardent Zeal of the Laicks in making Donations to the Churches and Monaſteries, and put an End to the new Acquiſitions of the Eccleſiaſticks; yet it was not ſo, becauſe by how much more the Care for Spiritual Matters was diminiſh'd in the Prelates, ſo much the more were they intent on preſerving Temporal Riches; and they had converted the Spiritual Arms of Excommunication, which were formerly only made uſe of for the Correction of Sinners, to the Defence of their Temporal Poſſeſſions, and likewiſe to the Recovery of them, if by chance they had been loſt through the Negligence of their Predeceſſors. There was not a Council held in this Age, in which, among other Things, there were not Excommunications fulminated againſt thoſe that had taken Poſſeſſion of the Goods of the Church, or that had alienated them. The Terror which the Church Cenſures ſtruck in the People in thoſe Days, was ſo great, that they were afraid of nothing ſo much; and it was a wonderful Thing, that the Officers and Soldiers, otherwiſe moſt wicked, and without the Fear of God, who robb'd what belong'd to others without any Regard to the offending the Divine Majeſty, took great care in preſerving the Goods of the Church intire, for fear of Excommunication. Whence it was, that many of ſmall Subſtance, being deſirous to ſecure what they had from Violence, made Donations of it to the Church, on Condition that they ſhould hold it of her in Fief for a ſmall Acknowledgment. This ſecur'd the Poſſeſſions from being touch'd by thoſe in Power, as ſuch of which the Church had the direct Dominion; afterwards the Male-Line of the Feudatories failing, which often fell out by reaſon of the frequent Wars, and popular Seditions, the Eſtates fell to the Church: Whence aroſe the Diſtinctions betwixt *Feudum datum*, & *Feudum oblatum*, of which *Struvius* [1], *Thomaſius* and *Ertius* [2] have fully treated. Whence comes the Origin of our Papal *Inveſtiture*, of which we ſhall treat in its Place; and whence in fine was introduc'd the Cuſtom of having recourſe not only to the Emperors and Princes, but alſo to the Popes, that by the means of their *Præcepta*, otherwiſe call'd *Mundiburda*, the Poſſeſſions put under their Protection and Cuſtody might be protected, by threatning the Invaders and Diſturbers of them with terrible Anathema's, by condemning their Souls in company with that of the Traytor *Judas*, to eternal Puniſhment in the everlaſting Fire of the Bottomleſs Pit, amongſt the blackeſt and moſt hideous Devils in Hell; they made uſe of this and ſuch moſt frightful and horrible ſet Forms, for this very Purpoſe.

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[1] V. Struv. hiſt. Jur. Can. §. 14.

[2] Baluz. Præfat. ad Anton. Auguſt. de emendat. §. 17.

IN theſe Times the Political and Temporal State of theſe our Provinces was involv'd in as great Confuſion and Diſorder as the Eccleſiaſtical, inſomuch that our *Italians* and the Popes themſelves, not longer able to bear ſo many Calamities and Miſeries, reſolv'd at laſt to have recourſe to *Otho* King of *Germany* for Aſſiſtance, whoſe Reign, as well as thoſe of the other *Otho*'s his Succeſſors, ſhall be related in the following Book.

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[1] V. Struv. hiſt. Jur. Feud. cap. 8. §. 6.

[2] Tho. Hert. de Feudis oblatis.

THE

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK VIII.

WHILST *Italy* was groaning under the Tyrannies of the laſt *Berengarius* and *Adelbertus* his Son, the *Italians* being reduc'd to the utmoſt Miſery, reſolv'd to have recourſe to the Aſſiſtance of *Otho* Son of *Henry* King of *Germany*, who having ſubdu'd the *Saxons* and the *Sclavonians*, by his glorious Exploits had acquir'd no leſs Fame than *Charles the Great*, and had made himſelf illuſtrious and renown'd over all *Europe*. *Adelaide* the Widow of *Lothaire* join'd in the Invitation, who poſſeſſing the City of *Pavia*, which had been aſſign'd to her as her Dowry by her Husband *Lothaire* [1], and being as yet young and of a graceful Behaviour, was ſought in Marriage by *Berengarius* for his Son *Adelbertus*; but becauſe ſhe would not conſent to the Marriage, *Berengarius* beſieg'd her in *Pavia*, took her and ſent her Priſoner to the Caſtle of *Garda*; ſhe found Means to make her Eſcape, and begg'd the Aſſiſtance of King *Otho*, offering to marry him, and yield to him her Right to the Kingdom of *Italy*. *Porphyrogenitus* [2], *Luitprandus* [3], and others have taken *Adelaide* to be the Daughter of *Berta* and *Rodolphus* King of *Burgundy*; but *Leo Oſtienſis* [4] ſays, ſhe was deſcended from a noble Family in *Tuſcany*, and our Anonymous *Salernitan* [5] makes her to be Siſter to *Giſulphus* Prince of *Salerno*: however that may be, *Otho*, who was not ignorant of her virtuous Life and Converſation, came quickly to her Aſſiſtance, and arriving in *Italy* with a powerful Army, reliev'd her from the Oppreſſion of *Berengarius*, and being taken with her Beauty and agreeable Manners, married her, and carried her along with him to *Germany*, leaving *Conrade* Duke of *Lorraine* to proſecute the War againſt *Berengarius* and his Son, who were forc'd to go to *Otho* in *Germany*, and ſubmit themſelves to his Will [1]; *Otho* having taken their Oaths and Homage, reſtor'd them to their Dominions, excepting to the *Veroneſe* and *Friuli*, which he gave to his Brother *Henry* Duke of *Bavaria*. But no ſooner were *Berengarius* and *Adelbertus* reſtor'd to their Dominions, than they began to plot againſt *Otho*, and to abuſe his Subjects; they afflicted *Italy* with uncommon Oppreſſions, and us'd the Pope, and all the other Biſhops and Lords of *Italy* very ill. Therefore they made their Complaints to *Otho*, and begg'd his Protection, inviting him to return to *Italy* in order to drive out theſe Tyrants. The Pope and the *Romans* offer'd him the Kingdom and the Imperial Crown; *Valpertus* Archbiſhop of *Milan* likewiſe offer'd to crown and anoint him King of *Italy*, for which end they ſent him a magnificent Embaſſy.

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[1] Putean. lib. 4. Ab. de Noce in Chron. Oſtienſ. lib. 1. cap. 61.

[2] Porph. lib. 6. de Admin. Imp. cap. 26.

[3] Luitprand. lib. 4. cap. 6.

[4] Oſtienſ. lib. 1. cap. 61.

[5] Anon. Salern. par. 7. num. 2.

OTHO being aſſur'd of the cordial Affections of all the *Italians*, was unwilling to let ſlip ſo fair an Opportunity, and having held a Dyet in *Worms*, made his Son *Otho* II. to be crown'd King of *Germany* in *Aix la Chapelle*, when he was but ſeven Years of Age; and having ſettled the Affairs of *Germany*, aſſembled a numerous Army, with which he march'd through *Bavaria*, and, by the Way of *Trent*, together with his Wiſe *Adelaide*, he arriv'd in *Italy*. He was receiv'd by the *Italians* with univerſal Acclamations; and tho' *Adelbertus* had endeavour'd to oppoſe him with conſiderable Forces, yet being deſerted by his Men, he gave over the Enterprize, and flying, made his Eſcape to the Iſland of *Corſica* [2] In the mean time *Otho* enter'd *Pavia* without any Oppoſition, and oblig'd *Berengarius* with his Wiſe and Family to fly; from thence he went to *Milan*, where he was receiv'd with great Rejoicings by all the Inhabitants. The Archbiſhop *Valpertus*, remembring his Promiſe, call'd a Council of Biſhops, and in the Sight of all the City, *Berengarius* and *Adelbertus* were depriv'd of the Kingdom, and *Otho* was proclaim'd King of *Italy*; then they conducted him to the Church of St. *Ambroſe* in great Pomp and ſolemn Ceremony, and with the Conſent of all the People, the Archbiſhop anointed him, and ſet the Iron Crown upon his Head: Thus *Otho*, whom we ſhall now call King of *Germany* and *Italy*, having this Year 961, with ſo much Succeſs acquir'd ſo great a Kingdom, with ſolemn Oaths promis'd that he would defend *Italy* with all his Might againſt the Invaſion of any Tyrant whatſoever. From thence having return'd to *Pavia*, the Year following 962, together with Archbiſhop *Valpertus*, he went to *Rome* with a gallant Army, in order to receive the Imperial Crown from the Hands of the Pope; he likewiſe carried *Adelaide* with him, and was receiv'd by the *Romans* with no leſs Acclamations and Rejoicings, than *Charles the Great* was when he enter'd that City. The Rejoicings, Concourſe, and ardent Deſire of the People were the ſame at his being proclaim'd Emperor of the Weſt; ſo likewiſe the ſolemn Ceremonies which Pope *John* XII. practis'd on this Occaſion, were no ways different from thoſe made uſe of by *Leo* at the Coronation of *Charles the Great*; *Otho* together with *John* went to the Church of the *Vatican*, where every Thing proper for ſo auguſt a Ceremony being ready prepar'd, he was preſented by Archbiſhop *Valpertus* to the Pope, who anointed him, and put the Imperial Crown upon his Head, whilſt all the People cry'd out, *Proſperity and Victory to* Otho Auguſtus, Roman *Emperor* [3]; afterwards having ſolemnly ſworn to defend *Italy* againſt the Attempts of *Berengarius*, and whoever ſhould offer to diſturb it, he return'd to *Pavia*. *Sigonius* relates, that *Otho* alſo caus'd to be reſtor'd to the Pope ſome Lands belonging to the Church, which in the late Revolutions in *Italy* had been taken from her; and ſays, that *Otho* III. likewiſe confirm'd the Donations that had been made by *Charles the Great* and *Lewis the Pious* to the Church of *Rome*; ſo that *Chioccarelli* [4] was in the Wrong, in attributing this Charter of Confirmation to *Otho* I. and not to III. as *Sigonius* did.

IN this manner was the Empire transferr'd from the *Italians* to the *Germans*, of which the Popes will have themſelves reputed the Authors, juſt ſo as they pretended to be with reſpect to *Charles the Great* [5]. Thus the Empire of the Weſt having formerly gone from the *French* to the *Italians*, was afterwards transferr'd to the

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[1] Friſingens, lib. 1. cap. 19.

[2] Anon. Salern. par. 7. num. 1.

[3] Anon. Salern. par. 7. num. 1. Luitprand. lib. 6. cap. 6.

[4] Chioc in Judic. tom. 1. Reg. Juriſ.

[5] V. Du Pin, de Antiq. Eccl. diſc. Diſſ. ult.

Germans in the Perſon of *Otho*, who held it by Right of Conqueſt, and by the free Election of an oppreſs'd People, who at that Time could find no other Protector, to deliver them from the Tyranny of *Berengarius*. *Otho* by our Writers [1] is commonly ſaid to be the firſt *German* Emperor, altho' *Arnolphus*, as we have ſaid, was ſuch before him; becauſe ſay they, the Empire was adjudg'd to *Otho* and all his Succeſſors for ever, by Pope *Leo* VIII. in the Year 964, with the Conſent of all the *Romans*; and the *Roman* Empire was united to the *German* Kingdom by an indiſſoluble Knot [2], which cannot be ſaid of *Arnolphus*, who at that Revolution of Affairs, in the midſt of ſo many Factions, was elected Emperor more by Party-Intrigue, than a free and univerſal Conſent.

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[1] Friſing. lib. 6. c. 17. & 24. Radevic. lib. 1. c. 6.

[2] V. Struv. hiſt. Jur. Pub. cap. ult. §. 2.

CHAP. I.

Otho *re-eſtabliſhes the Kingdom of* Italy: *His Expeditions againſt the* Greeks, *and the Advancement of the County of* Capua *to a Principality.*

OTHO being ſettled in the Kingdom of *Italy*, in Imitation of *Charles the Great*, turn'd all his Thoughts on re-eſtabliſhing it with better Laws and Inſtitutes, after ſo many Revolutions: Many of his Laws for theſe Ends are ſtill extant, and *Goldaſtus* [1] collected an intire Volume of them, by which not only the *German* Kingdom, but alſo the *Italian* was reſettled. Not that *Otho*'s Laws concerning Fiefs were more clear and expreſs than thoſe of *Charles the Great*, as the Abbot of *Noce* [2] from the Authority of *Sigonius* believ'd; for the firſt Maker of the Feudal Laws was *Conrade the Salick*, as we ſhall relate. But *Otho* acquir'd much greater Authority over theſe our Provinces, than *Charles the Great* himſelf, and the Sovereignty which he exercis'd in them was much greater than his. Our *Longobard* Princes, ſuch as the Princes of *Benevento* and *Salerno*, and the Count of *Capua*, were not in a Condition to oppoſe his Dominion, as *Arechis* and *Grimoaldus* did that of *Charles* and *Pepin* his Son; on the contrary, they declar'd themſelves his Vaſſals and Feudatories, by ſubjecting their States to him, and by acknowledging him King of *Italy*, with the very ſame Authority that their Predeceſſors had own'd in the ancient *Longobard* Kings, and in order to gain his Favour and Protection, each of them ſtrove who ſhould out-do one another in Obſequiouſneſs and Reſpect to him.

IN theſe Times, as we have ſaid, *Pandulphus Iron-Head*, together with his Brother *Landulphus* III. govern'd the Principality of *Benevento*, and the County of *Capua*, who no ſooner were appriz'd that *Otho*, with *Adelaide* his Wife, was on his way to *Capua*, in order to make ſure of the Fidelity of theſe Princes, and of *Giſulphus* in particular (who tho', as the Anonymous *Salernitan* believ'd, he was his Brother-in-Law, yet was ſuſpected to have a Dependance upon the *Greeks*, from whom he had got the Honour of Patriciate) than they went out to meet them with a great Retinue, and conducted them to *Capua*, the Place of their Reſidence, where they entertain'd this Prince honourably, and with great Magnificence [1]. They remain'd here during the Year 963, in which Time they ſent an Embaſſy to Prince *Giſulphus* in *Salerno*, with many Gifts, inviting him to come to *Capua* to ſee his Siſter. *Giſulphus*, tho' jealous of ſome ſiniſter Deſign, at laſt with his Attendants ſet out for that City, and being met by *Pandulphus* and *Landulphus*, they preſented him to the Emperor *Otho*, who with much Gladneſs roſe from his Throne, and ſtept down to meet him, and having embrac'd one another, they kiſs'd each other with many Tokens of Affection. The Empreſs *Adelaide* (if we may credit the Anonymous *Salernitan*) ſeeing her Brother, run to embrace him, and graſping him about the Neck, kiſs'd him many times, reproaching him for not coming to ſee his Siſter without being invited: *Giſulphus*, after ſuch kind Embraces of his Siſter and his Brother-in-Law, to his great Contentment, and that of his Retinue, return'd to *Salerno*.

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[1] Goſtald. Conſt. Imp. tom. uno, pag. 215. Seqq. tom. 3. pag. 303. Seqq.

[2] Ab. de Noce in not. ad Chron. Oſtien. lib. 1. cap. ult. in fine.

IT was at this Time, that *Pandulphus Iron-Head* being in great Favour with *Otho*, obtain'd by Imperial Authority, that the County of *Capua* ſhould be advanc'd to a Principality, and that he ſhould be call'd Prince of *Capua*, as thoſe who ſucceeded him in *Capua* were; and from this Time, not from that of *Atenulphus* I. the Riſe of the Princes of *Capua* muſt be dated, as *Pellegrinus* demonſtrates. To which Honour, ſucceeded afterwards in the Year 988, that of *Capua*'s being likewiſe advanc'd to be a Metropolis; and that *John* Brother to *Landulphus*, from being Biſhop of that City was rais'd to be Archbiſhop by *John* XIII. as we ſhall more at length relate when we come to treat of the Eccleſiaſtical Polity of this Age.

THUS did our Princes acknowledge for Sovereign the Emperor *Otho* as King of *Italy*, who by Virtue of the ſame Right undertook to drive the *Greeks* out of *Puglia* and *Calabria*, which Provinces they poſſeſs'd, and likewiſe to reduce the Dukedom of *Naples* under his Dominion.

IN this Year 964, *Nicephorus Phocas* ſucceeded to the Empire of the Eaſt, who taking it ill that *Otho* ſhould have acquir'd ſo great Authority in *Italy*, and that he had reſolv'd to drive the *Greeks* from *Puglia* and *Calabria*, had provided theſe Provinces with good Garriſons. Their Cities were govern'd by *Stratici*, a Sort of Magiſtrates that had continu'd long there, down to the *Catapani*; and he had conven'd the ſtrongeſt Body of his Troops in *Bari* the Metropolis of *Puglia*: He took it no leſs amiſs, that he had no other Title given him but that of Emperor of the *Greeks*, and that *Otho* ſhould aſſume that of Emperor of the *Romans*.

BUT *Luitprandus* Biſhop of *Cremona*, a Creature of *Otho*'s, adviſ'd him, that before he enter'd into a War with *Nicephorus*, he ſhould try if by a near Alliance he could obtain of him, what would be uncertain to be got by a doubtful and cruel War; for which end, he thought the readieſt and moſt effectual Way was, if *Nicephorus* would give the Princeſs *Anna*, or *Theophania*, in Marriage to *Otho* his Son, and for a Portion yield the two Provinces of *Puglia* and *Calabria*. This Princeſs was the Daughter of the Emperor *Romanus Argirus*, and the Empreſs *Theophania*, who by an execrable Paracide had poiſon'd *Argirus*, that ſhe might marry *Nicephorus*. It was at this Time that *Otho* ſent to *Conſtantinople* a magnificent Embaſſy to *Nicephorus*, and pitch'd upon the famous *Luitprandus* Biſhop of *Cremona*, for Ambaſſador to go and demand that Princeſs; this Biſhop became famous no leſs for his many Works which he has left us, than for this Embaſſy.

NEVERTHELESS this Embaſſy of *Luitprandus* did not take Effect, for *Nicephorus* not being able to conceal from him the Malice that was lurking in his Breaſt againſt *Otho*, treated him ſcurvily, and after having made him ſtay four Months to no purpoſe in *Conſtantinople*, diſmiſs'd him without coming to any Concluſion.

IN the mean time, *Otho* flattering himſelf that his Deſign would take Effect, had recall'd his Son *Otho* to him, who remaining with his Father in *Rome*, was in this Year 968, aſſociated in the Empire, and anointed and crown'd with the Imperial Crown by the Pope. And *Nicephorus* at the ſame time, in order to deceive *Otho* the more, and to bring his Deſign about, before he diſmiſs'd *Luitprandus*, ſent Ambaſſadors to him, offering him his Alliance, and to ſend the Princeſs *Theophania* to *Calabria*; and therefore he might ſend his People as ſoon as poſſible thither to receive her.

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[1] Anon. Salern. pag. 7. num. 2.

OTHO not being ſufficiently acquainted with the *Greek* Faith, believ'd him, and likewiſe acquainted the Dukes of *Saxony* with it, giving them Hopes, that in a ſhort Time he would recover *Puglia* and *Calabria*; and that his Son *Otho* being married, would return to *Germany*, therefore he ſent his People immediately for that purpoſe; but they had no ſooner arriv'd than they were catch'd unawares in an Ambuſh, which *Nicephorus* had caus'd to be laid for them; many were kill'd, and the reſt made Priſoners, and carried to *Conſtantinople*.

UPON which, *Otho*, deteſting the *Greeks*, and bitterly inrag'd, invaded and laid waſte the Borders of *Calabria*, and turn'd that Province topſy-turvy. At this Juncture our *Longobard* Princes join'd him, who as Feudatories were oblig'd to follow him in his Wars; and *Pandulphus Iron-Head* went likewiſe to *Calabria* againſt the *Greeks*, and the *Saracens*, who had been call'd by the *Greeks* to their Aſſiſtance; and *Giſulphus* Prince of *Salerno*, tho' his Fidelity was ſuſpected, on account of the Attachment he had for the *Greeks*, yet on this Occaſion (having a little before put himſelf under the Protection of *Otho*) ſhew'd himſelf willing to aſſiſt in this Expedition.

THUS did an obſtinate War againſt the *Greeks* and *Saracens* begin; and whilſt *Pandulphus* was in *Calabria* with *Otho*, he was adviſ'd of the Death of Prince *Landulphus* his Brother. He had held the Principality of *Benevento* eight Years; and tho' he had left *Pandulphus* his Son, nevertheleſs *Pandulphus* the Brother no ſooner heard of his Death, than he went to *Benevento*, leaving the Emperor in *Calabria*; and having excluded his Nephew, he advanc'd his own Son *Landulphus* to be Prince, who was therefore call'd *Landulphus* IV. [1].

FROM thence *Otho* return'd to *Ravenna*, and in the Year 969, *Pandulphus*, with a Reinforcement ſent him by *Otho*, and ſome young *Beneventans* and *Capuans*, invaded *Puglia*, and encamp'd with his Army near *Bovino*. But the *Greeks* making a furious Salley from the City, engag'd him, and after a doubtful Battle, at laſt *Pandulphus* was beaten and made Priſoner by the *Greeks*, commanded by *Eugenius* a Patrician, and Lieutenant of the Province, who immediately ſent him Priſoner to *Conſtantinople*. In the mean time *Giſulphus* Prince of *Salerno* was on his march to reinforce *Pandulphus*, but being too late, whether by any Oppoſition on his March, or that he march'd ſlowly, purely out of conceal'd Malice, he quickly return'd to *Salerno*.

THE *Greeks*, fluſh'd with this Victory, invaded the Borders of *Benevento*, took *Avellino*, and advanc'd towards *Capua*; and plundering all the Country, beſieg'd the City itſelf, which for forty Days they kept cloſely block'd up.

NOW that the *Neapolitans* ſaw the *Greeks* go on proſperouſly, they join'd *Eugenius* near *Capua*. At this Time *Marinus* was Duke of *Naples*, the Knowledge of which we owe to the Anonymous *Salernitan*, for there is no Memory of the Dukes of *Naples* in theſe Times after *John* in the other Hiſtorians; and that Charter mention'd by *Summontes*, believ'd by the new Hiſtorian *Jannettaſius*, the Tranſlator of *Summontes*, to be genuine, wherein there's mention made of Duke *Oligamus Stella*, whom *Jannettaſius* makes to be the Succeſſor of *John*, and of *Ginellus Capece*, *Baldaſſare Joannes*, and *Sarrus Brancaccius* Conſuls, is an arrant Forgery, both becauſe Surnames were not as yet in uſe, and becauſe *Capaccius* [2] and others teſtify that it was never found amongſt the Writings of the Monks of St. *Sebaſtian*, where it was ſuppos'd to be preſerv'd: So that our *Pellegrinus* [3] is in the Right when he ſays, that we are not to expect an uninterrupted Series of the Dukes of *Naples*, as of *Amalphis*; neither can we be aſſiſted in the Matter by any old Charters dated in *Naples*, becauſe they expreſs nothing but the Names and Times of the *Greek* Emperors, to whoſe Dominion that Dukedom was ſubject.

MARINUS with his *Neapolitans* inveſted *Capua*, where he did nothing but burn and plunder the Country about; *Eugenius* ſeeing that they were trifling away their Time to no purpoſe, and afraid of *Otho*, it being rumour'd about that he was on his march with a vaſt Army of *Germans*, *Saxons* and *Spoletians*, towards *Capua*, in order to relieve it, that he might not be catch'd napping, rais'd the Siege, and march'd to *Salerno*, where he was receiv'd by *Giſulphus*, and ſplendidly regal'd while he remain'd there, which confirm'd the Jealouſy that was entertain'd of him, that he had ſtill been in the Intereſt of the *Greeks*, and had only feignedly appear'd to be in that of *Otho*, and therefore had been ſo ſlow in ſending Aſſiſtance to *Pandulphus*. *Eugenius* after having continu'd ſome Days in *Salerno*, return'd to *Puglia* [1]: Not many Days after, the vaſt Army of *Otho* arrived at *Capua*, and not finding the *Greeks* there, they began to over-run and lay Waſte, all the *Neapolitan* Territories, and being joyn'd by the *Capuans*, laid cloſe Siege to the City of *Naples*. But not being able to take it, they return'd back, and beſieg'd *Avellino*, which a little before had ſurrendred to the *Greeks*, who were now in Poſſeſſion of it; but it was eaſily recover'd by the *Beneventans*, from whence they march'd to *Benevento*, with a Deſign to advance into *Puglia*, to drive the *Greeks* out of that Province, where they had aſſembled all their Troops, and had fortified themſelves in *Bari* with a ſtrong Garriſon.

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[1] Anon. Salern. p. 7.

[2] Capac. Foraſt.

[3] Pellegr. in Tumul. Boni Conſul.

WE ought not in this Place to paſs over in Silence, that which we ſhall diſcourſe of at more length, when we come afterwards to treat of the Eccleſiaſtical Polity, that *Otho*'s Army having halted in *Benevento* this Year 969, before he would undertake ſo doubtful an Expedition, and advance with the Arm of Fleſh, he thought fit to begin, as it became him, by having recourſe to the Aſſiſtance of Heaven. Hitherto the Church of *Benevento* had been govern'd by Biſhops; but now *John* XIII. out of regard to *Otho*, and the Princes *Pandulphus* and *Landulphus*, as the Year before he had rais'd *Capua* to be a Metropolis, would do the ſame to *Benevento*, therefore he rais'd it to a Metropolis, and aſſign'd it many Churches for Suffragans, and the firſt Archbiſhop that he appointed was *Landulphus*, in this Year 969, to whom he granted the Uſe of the *Pallium*, and confirm'd to him the *Sipontine* and *Garganiean* Churches. Whilſt then *Otho*'s Army was making ready for this Expedition, the Archbiſhop *Landulphus*, with holy Ceremony, ſolemnly celebrated Maſs, which was heard by all, and after that was over they all receiv'd the Body and Blood of our Lord Jeſus Chriſt, from the Hands of the ſaid Archbiſhop; and getting his Benediction, they began their March joyfully towards *Puglia* [2]. Whence 'tis to be obſerv'd that in theſe Times in our Provinces, and in *Italy*, the Communion under both Kinds was continued, and the Participation, as well of the Blood as of the Body was allow'd, neither was the Cup taken away till much later Times.

THE Army of *Otho*, which conſiſted of *Beneventans*, *Germans*, *Saxons* and *Spoletians*, arriving at *Aſcoli*, was met by *Abdila* a *Patrician*, who, with a good Body of *Greeks*, pretended to attack him, for *Eugenius*, by reaſon of his Cruelty, had been made Priſoner by his own Men, and ſent to *Conſtantinople*. There was a ſharp Ingagement near *Aſcoli*, and at laſt the *Greeks* were defeated, and the *Beneventans*, after having made a great Booty, return'd in Triumph to *Avellino* [3].

IN the mean time, *Otho* march'd with his Army towards *Naples*, and carried off all the Cattle in the Neighbourhood, and as he was returning, was met by *Aloara*, the Wife of Prince *Pandulphus*, with her Son all in Tears, who requeſted him to relieve her Husband, whom *Nicephorus* treated cruelly in a dark Priſon in *Conſtantinople* [4]. *Otho* immediately return'd to *Puglia*, where he made terrible Havock, laid cloſe Siege to *Bovino*, and burnt many Places in the Neighbourhood; but whilſt theſe things paſs'd in *Puglia*, *Nicephorus* this Year 970, ſuffer'd a violent Death; for *Theophania* his Wife, together with *Joannes Zimiſceus*, caus'd him to be cruelly murder'd; and the ſame Year *Zimiſceus* was elected Emperor of the Eaſt: Who undoing what his Predeceſſor had done, immediately ſet *Pandulphus* at liberty, ſent him to *Puglia*, and recommended him to *Otho*, intreating he would reſtore him to his Dominions. *Zimiſceus*, in order to gain *Otho*'s Friendſhip, ſent him *Theophania* (whom *Nicephorus* had refus'd him) to be married to his Son *Otho*; ſhe was conducted to *Rome*, where with great Splendor, ſhe was married to *Otho*, and proclaim'd Empreſs [5]. *Pandulphus* being arrived at *Bari*, was immediately ſent for by *Otho*, who receiv'd him very graciouſly, and reſtor'd him to his Dominions and former Dignity: Whereupon *Pandulphus*, in order to gratify *Zimiſceus* for his Liberty, uſed his Intereſt ſo much with *Otho*, that he made him give over his Undertaking; ſo that a Peace enſuing, *Otho* deſiſted from invading *Puglia* and *Calabria*, and therefore theſe Provinces were never conquer'd by *Otho*, as many Writers have believ'd, contrary to what the anonymous Cotemporary Writer relates. *Otho* ſet out for *France*, and never return'd more to theſe Provinces; for in the Year 973 he died, after having acquir'd, by his wonderful Exploits, the Surname of *Great*, and may juſtly be compar'd with *Charles the Great*.

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[1] Anon. Salern part 2.

[2] Anon. Salern. part 7. num. 5. Miſſamque ab Archiepiſcopo Landulpho audierunt, & Corporis. & Sanguinis Domini Noſtri Jeſu Chriſti participati ſunt. Et ſic accepta benedictione a prædicto Sanctiſſimo Pontifice, Apuliam venerunt.

[3] Anon. Salern. loc. cit.

[4] Anon. Salern. part 7. num. 66.

[5] Sigon. A. 972.

CHAP. II.

Otho *ſucceeds his Father. Diſturbances in the Principality of* Salerno, *to which at laſt* Pandulphus *ſucceeds.*

AFTER the Death of *Otho the Great*, *Otho* II. his Son, who during his Father's Life-time, had been aſſociated in the Empire, began to govern the Kingdom of *Italy* alone, and exerciſe all that Sovereignty there, that his Father had acquir'd, which, by reaſon of the Quarrels amongſt our *Longobard* Princes, became very great in theſe Provinces, for whilſt *Pandulphus Iron-head*, who had return'd to *Capua*, together with *Landulphus* his Son in *Benevento*, govern'd theſe two Principalities, there happen'd ſuch ſtrange Revolutions and Convulſions in *Salerno*, as turn'd all that Principality topſy-turvy. The Origine of theſe Miſchiefs, was the too great Confidence that *Giſulphus* had in his Relations, whom he had recall'd from Baniſhment, and rais'd to that Height, that by unparallel'd Ingratitude, they prov'd the Ruin of his Dominions.

ATENULPHUS II. who, as we have ſaid, being driven out of *Capua*, had retir'd to *Salerno*, under the Protection of *Guaimarus* II. his Son-in-Law, left many Children, who being Exiles as well as the Father, for a long time went wandering up and down. One of them nam'd *Landulphus*, at firſt retir'd to *Salerno* with his Father, and went afterwards to live in *Naples*; but thereafter by the Interceſſion of *Gaidelgrima* his Siſter, who was Wife of *Guaimarus* II. and Mother of *Giſulphus* I. he was invited back to *Salerno* by this Prince his Nephew, in order to pleaſe his Mother. *Giſulphus*, beſides his having receiv'd him very affectionately, likewiſe gave him the County of *Conſa*; but becauſe he was a very cruel and intolerable Man, the *Conſans*, not being able to bear him, drove him out of *Conſa*, neither could *Giſulphus* long endure him in *Salerno*, from whence being expell'd, he was neceſſitated to return again to *Naples* with his Family: He had Four Sons, *Guaimarus*, *Indolphus*, *Landulphus* and *Landenulphus*.

IT happen'd, that whilſt *Landulphus*, with his Sons, were in *Naples*, *Giſulphus* was taken ill, whereupon *Gaidelgrima* his Mother, laying hold of the Opportunity, fell into Tears, which *Giſulphus* perceiving, ask'd her what ſhe ail'd: She quickly anſwer'd, I lament, becauſe after the Loſs of my Husband, I have no Body to comfort me in my great Affliction, now that you are taken ill, and my Brother is at ſo great a Diſtance: What would you have me to do then, anſwer'd *Giſulphus?* Re-call him with all his Family, reply'd ſhe. *Giſulphus*, overcome by his Mother's Tears, conſented, and when he recover'd of his Illneſs, *Landulphus* was immediatly invited back to *Salerno*, who brought Three of his Sons along with him, leaving *Landulphus*, a Man of a ſubtle Wit and full of Deceit, in *Naples*.

LANDULPHUS was received by the Prince with great Marks of Eſteem, inrich'd with many Lands, and likewiſe reſtor'd to the County of *Conſa*; and not foreſeeing what might happen to him, he rais'd him to that Degree, as the anonymous

Salernitan [1], who was his Cotemporary; relates, that he was the next to himſelf in *Salerno*. He was alſo moſt liberal to his Sons: To *Guaimarus* he gave the County of *Marſico* in the Principality of *Salerno*, with its Privileges and Emoluments. To *Indulphus* he gave the County of *Sarno*: To *Landenulphus*, the County of *Lauro*, likewiſe in the Principality of *Salerno*; who dying ſoon after in the Year 971, *Landulphus* was call'd from *Naples*, to whom *Giſulphus* gave the ſaid County of *Lauro*, to the great Indignation of the *Salernitans* and Nobles of that City, who ſaw *Giſulphus* ſo imprudently advance theſe Princes.

LANDULPHUS the Father being rais'd to ſuch Grandeur, began to think of Means whereby he might invade the Principality of *Salerno*; and ſeeing himſelf ſo powerful, he likewiſe procur'd the Aſſiſtance of the Dukes of *Amalphis* and *Naples*, and being aided by his Sons, eſpecially *Landulphus*, a prudent and cunning Man, by bribing the Keepers, found means to enter the Prince's Palace, where ſeizing the unhappy *Giſulphus*, together with the unfortunate Princeſs *Gemma* his Wife, Daughter of *Alfanus*, and Kinſwoman to the Duke of *Spoleto*; he impriſon'd them, giving out, that they had been murther'd, which put the City all in an Uproar. The *Salernitans* believing them dead, were in the utmoſt Conſternation, and not knowing what to do on ſuch a Turn of Affairs, were forc'd to ſwear to Prince *Landulphus* their Tyrant, who being afraid they might diſcover that *Giſulphus* and the Princeſs *Gemma* were ſtill alive, caus'd them to be removed from *Salerno* to *Amalphis*: So that having rid himſelf of them, the ſame Year 972 or 973, he aſſum'd *Landulphus* his Son for his Collegue in the Principality.

AT this Time, *Manſo*, a Patrician, govern'd as Duke of *Amalphis*, and in *Naples*, as we have ſaid, *Marinus*, a Patrician. Theſe hearing of the Conſpiracy, as ſoon as they underſtood that *Giſulphus* had been driven out of *Salerno*, went thither with ſome Troops, in order to aſſiſt *Landulphus*, and to fix him in the Principality [2]. Never was greater Ingratitude heard of, than what *Marinus* Duke of *Naples* was guilty of on this Occaſion, who having ſo ſoon forgot the Favours he had receiv'd from *Giſulphus*, as alſo the ſo many Oaths he had ſworn, by which he was bound to aſſiſt him, now joyn'd with the Tyrant in order to drive him out of his Dominions.

BUT theſe Deſigns and wicked Counſels were ſoon confounded; for the *Salernitans* being convinc'd that *Giſulphus* and the Princeſs *Gemma* were not dead, but ſtill alive in *Amalphis*; began immediately to make an Uproar, and to fret at themſelves, for having been ſo credulous, and at the Steps they had taken. To this was alſo added, that *Indulphus*, who had ſeen *Landulphus* his Brother admitted as Collegue in the Principality, and himſelf not minded, contrary to what his Father had promis'd him with many Oaths, began to aim at the Principality, by ſolliciting *Marinus* Duke of *Naples*, to aſſiſt him in the Undertaking; therefore it was reſolv'd, in order to quell the Tumults in ſome meaſure, to ſeize *Indulphus*, and ſend him to *Amalphis*, which was done; the Pretender being remov'd, the *Salernitans* were obliged to ſwear to *Landulphus the Younger*, a very cruel and cunning Prince. But by wicked Counſel not long after, *Indulphus* was recall'd to *Salerno*, who diſſembling the Injury, began to curry Favour with the *Salernitans*, to whom he was very profuſe; and having brought over to his Party the chief Men, and the Adherents of Prince *Giſulphus*, he was at great Pains to convince them, that now the Tyrants being driven out, they ought to deliver themſelves up to *Pandulphus Ironhead*, who would be able with his Forces, to reſtore *Giſulphus*, and in the mean time, endeavour to fortify themſelves in the Caſtles, that upon the coming of *Pandulphus* they might be in a Condition to aſſiſt him. In effect, many noble *Salernitans*, and amongſt the reſt, *Riſus* and *Romoalt*, two renown'd Perſonages, repenting them of the Part they had acted in the Conſpiracy, went to *Amalphis* to the dethron'd Princes, and there, with many Oaths and Tears, expreſs'd their Sorrow for the Wrong that had been done them, promiſing to uſe their utmoſt Efforts to reſtore them to their former Dignity.

PRINCE *Pandulphus* being invited by the Adherents of Prince *Giſulphus* and the *Salernitans*, who had fortified themſelves in ſeveral Caſtles, in order to receive his Aſſiſtance, compaſſionating the Caſe of that unfortunate Prince, who was his firſt Couſin, with incredible Joy, undertook to reſtore *Giſulphus* to *Salerno*; and convening ſome of his Forces, march'd towards that Place. He was met by *Indulphus*, who demanded the County of *Conſa* for himſelf; but *Pandulphus* declaring that he could not grant it, he was extremely griev'd, and return'd to *Salerno*, where he was made Priſoner by his own Men, and deliver'd up to *Landulphus*. In the mean time, *Iron-head* having joyn'd the *Salernitans* that were in the Caſtles, took all the Places belonging to the Principality of *Salerno*, laid Waſte all the Country about, and cloſely beſieg'd *Salerno*. The two *Landulphus*'s, the Father and Son, made a bold Reſiſtance, and not truſting to the *Salernitans*, rely'd upon *Manſo* the Patrician, whom they kept with them in the Palace with his *Amalphitans*, to whom the Cuſtody of the Towers that ſurrounded the City was given; but they could not long hold out againſt the Forces of *Pandulphus*, who at laſt, in the Year 974, took the City, and having driven out the Tyrants, took Poſſeſſion of it, not for himſelf, but that ſame Year reſtor'd it to its lawful Prince. *Giſulphus* and *Gemma*, whether they had ſo agreed betwixt themſelves, or whether purely out of Gratitude for ſo many Favours receiv'd, not having Children, adopted *Pandulphus* the Son of *Pandulphus* for their Son, whom they likewiſe made Prince of *Salerno*, and Copartner with *Giſulphus* during his Life, which laſted to the Year 978 [1], when he died, and left *Pandulphus* Succeſſor in *Salerno*; on which *Pandulphus* the Father alſo aſſum'd the Title of Prince, together with his Son, ſo that three Titles center'd in the Perſon of *Pandulphus Iron-Head*, for he was call'd Prince of *Capua*, *Benevento*, and *Salerno*. Whence the Anonymous *Salernitan*, who liv'd in theſe Times, to which he continu'd his Hiſtory, and dedicated it to this Prince, in a Verſe which he compos'd in his Praiſe, calls him Prince of theſe three Cities, thus:

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[1] Anon. Salern. part 7. num. 7.

[2] Anon. Salern. p. 7. num. 10.

Tempore præterito Tellus diviſa maligno
Unitur tuo ecce, tuente Deo [2].

AS the Valour and Prudence of *Atenulphus* I. was able to ward off the Ruin of the *Longobards*, which by reaſon of the many Revolutions and Diſturbances in theſe Provinces, was imminent: ſo at this Time the Power of *Pandulphus Iron-Head* put a Stop to their impending Fall; and ſome Good might have been expected from the Valour of this Prince, if that moſt miſchievous Cuſtom of the *Longobards*, of dividing their Dominions equally amongſt their Sons, had not been already ſo inveterate; for tho' at preſent the Titles were united in one ſingle Perſon, yet nevertheleſs *Iron-Head* gave the Principality of *Benevento* to *Landulphus* IV. his Son, and that of *Salerno* to *Pandulphus* another of his Sons. All the *Longobard* Princes of the Race of *Landulphus* I. Count of *Capua*, thoſe likewiſe of *Benevento* and *Salerno*, were wont to give Fiefs to all their Sons; who at firſt liv'd in Friendſhip and Amity with one another under the ſame Laws, each one contenting himſelf with his Share; but ſuch is the Corruption of Human Nature, that in proceſs of Time it bred Diſcord among them, which ſplit them into Factions, and gave Occaſion to Strangers to invade them. At this Time Political Maxims were taken from the Holy Scripture, the Barbarity of the Times not affording them other Books whereby they could be better inſtructed in the Politicks of this World: They had read the Admonition of *David*, who ſays, There's not a more pleaſant Thing, than *habitare fratres in unum*, and propos'd it as the Rule of their Conduct; but they were not ſenſible that this was a Thing much to be wiſh'd-for, and when attain'd, much to be valu'd, but by Human Nature difficult to be put in Practice; and they might have learn'd from the ſame Scripture, that a Kingdom divided againſt itſelf cannot ſtand. However that may be, they had no mind to give all to the eldeſt Son; therefore this Succeſſion taking Place, the principal City was retain'd by him, and the other Brothers were inveſted with Counties, and other Fiefs, who being all of the ſame Stock, from Dependants, made themſelves abſolute Lords. Thus *Radelchiſius* Prince of *Benevento*, as we have related, having had twelve Sons by *Caretruda*, beſides *Radelgarius* who ſucceeded him, made them all Counts. The ſame happen'd to the Principality of *Salerno*, which, as we have ſaid, was divided by *Giſulphus* into ſo many Counties, amongſt the Sons of *Landulphus*, to the great Indignation of the *Salerni-*

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[1] Pell. in Not. ad Anon. Saler. pag. 216. In Archivo Cavenſi: Nos Pandulphus Princeps filius b. m. D. Pandulphi Princ. declaro, quod Giſulphus & Gemma adoptaverunt me in filium.

[2] We read this Verſe in Pell. loc. cit. p. 223.

tans, that beſides the Nobles of *Salerno*, it was poſſeſs'd by many, who liv'd well fortified in their Caſtles, with abſolute and independent Authority.

BUT above all, the Principality of *Capua* ſuffer'd moſt by being thus diſmember'd, for from the Race of *Atenulphus*, as from the *Trojan* Horſe, there iſſu'd ſo many Counts and Lords, as not only fill'd *Capua* with Counties and Lordſhips, but likewiſe *Benevento*. From the Blood of that Prince were deſcended the Counts of *Venafro*, *Seſſa*, *Iſernia*, *Marſico*, *Sarno*, *Aquino*, *Cajazza*, *Teano*, and many more: Which, as we have ſaid, tho' at firſt given as Governments, and not as Fiefs, were afterwards turn'd into Lordſhips; and hitherto the Thing was tolerable, becauſe the Grant, either by the Death or Felony of the Count, became void, and the County did not go to the Heir; but in the Times we now ſpeak of, the Practice was, for the Reaſon formerly given, that the Grants were made to the Sons and Heirs, and Inveſtitures given *pro ſe & Hæredibus*, as we read among the ancient Records of the Inveſtiture given in the Year 964, in *Capua* by *Pandulphus Iron-Head*, and *Landulphus* his Son, of the City of *Iſernia* with its Dependencies, to *Landulphus* and his Heirs [1].

THUS the Counties and Fiefs, not only came to be multiplied, and afterwards divided into ſo many Parts, by being veſted in thoſe of the ſame Blood, who were apt to aſpire to be independent Lords, that thereby the State was brought into Confuſion and Diſorder, and at laſt became a Prey to other Nations.

SECT. I.

Surnames of Families reſtor'd among us, which for a long Time had been diſus'd.

FROM the Number of ſo many Fiefs and Counties poſſeſs'd by different Families, Surnames took their Riſe; for the *Longobards* having no Surnames for denoting the particular Families, they took them from the Cities and Lands which they poſſeſs'd, and where they had fix'd their Reſidence; thus by Degrees the Cuſtom of the ancient *Romans* began to take Place again in theſe our Provinces; tho' Surnames began under our laſt *Longobard* Princes, yet it was the ſucceeding *Norman* Princes that ſettled them, as a diſtinguiſhing Mark of Families.

THE *Romans*, who knew nothing of Fiefs, took their Surnames from other Things, and not from the Places which perhaps had been poſſeſs'd by their Forefathers. But as the Paſtoral Employment and Agriculture were in great Eſteem amongſt them, many Families took their Surnames from Rural Things belonging to theſe: From Agriculture, the *Lactucinii*, the *Melii*, the *Frondiſii*, the *Fabii*, the *Piſones*, the *Lentuli*, and the *Cicerones*; and from the Paſtoral Employment, the *Bubulci*, the *Bupecii*, the *Juvenci*, the *Portii*, the *Scrophæ*, the *Pilumni*, the *Junii*, the *Satirii*, the *Tauri*, the *Vituli*, the *Vitellii*, the *Suilli*, the *Capriani*, the *Ovini*, the *Caprilii*, the *Equini*, and others, of which *Tiraquellus* [1] has given us a long Catalogue.

THE *Roman* Families likewiſe took their Surnames from Nature, according as ſhe was favourable in beſtowing ſome ſpecial Comelineſs of Perſon, or graceful Behaviour, or as ſhe was unfavourable in deforming the Body or the Mind with ſome Vice; thus from the Bigneſs of the Feet came the Surname of the *Planci*; that of the *Craſſi* from Fatneſs; that of the *Cincinnati* from the Hair; the *Naſones* from their big Noſes, and a great many more. Often from Qualities, as *Metellus Celer* from his Nimbleneſs; ſometimes from Chance, as *Valerius Corvinus*; ſometimes from a conquer'd Place, as *Scipio Africanus*, and ſo of the reſt [2].

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[1] We read this Inveſtiture in Ciarlant. on Samnium, pag. 241. Concedimus, & confirmamus tibi ſupranominato Landulpho Comiti dicto fratri noſtro, & hæredibus tuis prædictam Civitatem Iſerniæ cum omnibus Caſtellis, &c. ad avendum, & poſſidendum, & fruendum, & dominandum vos, & hæredibus veſtris.

[1] Tiraq. de nobilit. c. 3. num. 10. V. Alex. ab Alex. dier. gen. V. Sirm. in Sidon. tom. 1. in præfat,

[2] Vide Knipſchild. de Fideicom. cap. 1. num. 20.

BUT amongſt our laſt *Longobards*, Surnames were taken for the moſt part from Cities and Caſtles, which their Forefathers had poſſeſs'd, and whither they went to reſide, and paſs their Time. Thus from the Caſtle of *Preſenſano*, the Surname of *Preſenſano* is deriv'd, which Family, together with the Caſtle, fail'd in *Capua* after the Time of King *Robert.* Thus likewiſe, according to *Erchempertus* [1], *Marino* was ſurnam'd *Malphitano*, becauſe he govern'd in *Amalphis*, and was Duke of it; and in the ſame Author [2], *Landulphus* was call'd *Sueſſulanus*, becauſe he govern'd in *Sueſſula*; and *Leo Oſtienſis* [3] ſays, *Gregory* was ſurnam'd *Neapolitanus*, becauſe he was Duke of *Naples*; and the ſame Author [4] gives *Landulphus* the Surname of *Sancta Agatha* (of which more afterwards) only, becauſe he was Count of that City. And ſeeing all thoſe Noblemen had their Deſcent from *Capua*, and from the Progeny of *Atenulphus*, therefore by the Writers of thoſe Times they were likewiſe call'd noble *Capuans*; whence came the Surname of the illuſtrious *Familia Capuana*, and for a long time all thoſe were call'd noble *Capuans*, who were deſcended of the Race of the Counts and Princes of *Capua*, tho' they were divided into many Families, as the moſt accurate *Pellegrinus* demonſtrates [5]: Whence it came, that ſome of them for a long time after retain'd the Surname of *Capuani*, or *Capua*; and others took theirs from the Places they poſſeſs'd, tho' of the ſame Family. Thus the Family of *Seſto*, deſcended of the Counts of that Place, and of *Landulphus*, who was ſurnam'd *Seſto*, took its Surname from a Caſtle of that Name in the County of *Venafro*, of which *Petrus Diaconus* makes mention [6]; which Family liv'd in the greateſt Splendor under King *William* II. and had the chief Military Employments, as may be ſeen in *Luigi Lello* [7].

AND as theſe three Families of *Franco*, *Citello*, and *Roſelle*, were of *Longobard* Extraction, ſo likewiſe ought they to be reputed of the Race of Prince *Atenulphus*, and come from the Places poſſeſs'd by their Forefathers, as *Pellegrinus* ſhews; and many other *Longobard* Families, that derive their Origin from theſe Princes of *Capua*, and *Atenulphus*, even after the *Longobards* were driven out, continu'd in theſe our Provinces under the *Normans*, as we ſhall more particularly relate hereafter, when we ſhall have occaſion to treat of the People of that Nation: So that it occaſion'd *Leo Oſtienſis* to ſay, that *Atenulphus*, and his Deſcendants, for many Generations, held the Principalities of *Benevento* and *Capua*, for a Hundred and ſeventy-ſeven Years; ſeeing for a long time there were many Barons of the Race of *Atenulphus* in theſe Principalities, who were Lords of many Fiefs, and eſtabliſh'd their own particular Families, by giving their Relations Inveſtiture of many Fiefs, and from whom are deſcended many Counts, Barons, and other Nobles over all *Italy* on this Side of the *Tyber*; and the ſame was done in the Principality of *Salerno.* Likewiſe the Family of *Colimenta*, from which *Pellegrinus* proves the Family of *Barrile* to be deſcended, takes its Origin from nothing elſe but from the Caſtle of *Colimenta*, which we now call *Collemezzo*; as the noble Family of *Gaetena*, from *Gaeta*; for *Leo* [8] *Oſtienſis* calls all thoſe *Gaetani*, who held the City of *Gaeta* as Dukes. Thus likewiſe the Surnames of the illuſtrious Family of *Aquino*, has riſen from the Counts of that City; and thoſe of *Sangri*, *Sanſeverini*, *Aquivivi*, and many others, are taken from the Cities and Lands poſſeſs'd by their Forefathers [9].

LIKEWISE amongſt our laſt *Longobards* Surnames were taken, tho' but ſeldom, from the Names of their Forefathers; thus the Family *Atenulpho* had its Name from *Atenulpho*, who was Father of *Peter* a Cardinal of the Holy Church; and very many others. Surnames were alſo taken from Magiſtracy, and Offices as well Eccleſiaſtick as Secular, and from the Profeſſions of their Forefathers; whence the Family *Maſtrogiudice* according to *Freccia* [10] had its Riſe, as alſo thoſe of the *Doci*, *Alfieri*, *Conti*, *Ferrari*, *Cavalcanti*, *Filaſtoppa*, and many more. From Behaviour alſo, and good or bad Inclinations; from Colour, Garments, Beards, the Chin; from Plants, Flowers, Animals, and from an infinite Number of other Occaſions and Accidents [11].

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[1] Erchemp. num. 26.

[2] Ibid. num. 27. & 62.

[3] Oſtienſ. lib. 1. cap. 49.

[4] Lib. 2. cap. 15.

[5] Pell. de Stem. Princ. Long. pag. 287.

[6] In Auctuar. ad Oſtienſ. lib. 4. cap. 75.

[7] Aloyſ. Lellus in Elencho Privilegiorum Archiepiſc. Eccleſiæ Montis Regalis, num. 14.

[8] Oſtienſ. lib. 2. c. 35.

[9] V. Ammirat. Fam. Neapol.

[10] Freccia de Subfeud. pag. 24.

[11] V. Dufreſne in Gloſ. v. Cognom.

BUT 'tis to be obſerv'd, that tho' this Cuſtom of tranſmitting Surnames to Poſterity, for the better diſtinguiſhing of Families, began with us about the End of this Xth Century, yet it was ſeldom uſed; for we very rarely find Surnames in the Charters and other Writs of theſe Times. They began to be a little more frequent amongſt the *Normans* in the XIth and XIIth Centuries; but in the XIIIth and XIVth they were ſo diffuſ'd and eſtabliſh'd, that commonly every Body, tho' of mean Extraction, had Surnames, and tranſmitted them to their Poſterity.

SECT. II.

The unfortunate Expedition of Otho II. *againſt the* Greeks, *and the Death of* Pandulphus Iron-head.

THE Cuſtom of our laſt *Longobards*, of dividing their Dominions into ſo many Parts, was at laſt the Occaſion of their Ruin, and afforded a fair Opportunity to the *Normans* to drive them out of theſe Provinces; for tho' theſe Barons held their Counties of the Princes of *Capua*, *Benevento*, and *Salerno*; yet foraſmuch as they were of the ſame Lineage of *Atenulphus*, many of them aſpir'd to the ſame Principalities of *Capua*, *Benevento*, and *Salerno*, from which ſome of them had been driven out; and tho', as we have ſaid, *Pandulphus Iron-head* by his Valour and good Succeſs, together with his Sons *Landulphus* IV. and the other *Pandulphus*, had govern'd theſe three Principalities; yet *Iron-head* was no ſooner dead in *Capua*, in the Year 981 [1], than Revolutions and Diſorders began anew in theſe Provinces. To this likewiſe was added, that *Pandulphus*, who had procur'd that there ſhould be a firm and laſting Friendſhip maintain'd betwixt the Emperors of the Eaſt and thoſe of the Weſt, was no ſooner dead, than all Correſpondence was broke off, and the old Quarrels renew'd; for *Otho* II. who could not endure that *Puglia* and *Calabria* ſhould remain in the Poſſeſſion of the *Greeks*, under the Emperors *Baſilius* and *Conſtantine*, who in the Year 977. had ſucceeded *Zimiſceus*, diſingag'd himſelf the beſt way he could from the Affairs on the other Side of the Mountains, and in the Year 980. march'd to *Italy* with an Army, accompanied by the Empreſs *Theophania* [2].

THE Cuſtom, as we have ſaid, was already introduc'd, that when the Emperors of the Weſt came into *Italy*, they ſtopt at *Roncaglia*, a Place not far from *Placentia*, where, in imitation of the Dyets, the Dukes, Marquiſſes, and Counts of many Parts of *Italy*, the Magiſtrates of the Cities, and alſo the Eccleſiaſtical State met in order to treat of the moſt important Affairs of *Italy*; they examin'd the Complaints of the Subjects againſt their Lords; they gave the Inveſtiture of Fiefs; adorn'd many Barons with Titles; eſtabliſh'd many Laws concerning the Eccleſiaſtical State, and remedied ſome former Abuſes. *Otho* this Year being come to *Placentia*, aſſembled the Dyet in *Roncaglia*, wherein he made many uſeful Laws. Of this *Otho* are theſe Laws, which we have in the ſecond Book of the *Longobard* Laws, and many under the Title *Qualiter quiſq' ſe defend' debeat* [3], wherein rejecting the Proof by Oath, he retain'd that by Duel, and many others collected by *Melchior Godalſtus* in his Volumes [4].

OTHO therefore having, in ſome meaſure, ſettled the Affairs of *Italy*, went to *Rome*, where at a Dinner, he caus'd many Noblemen whom he ſuſpected of Diſloyalty, to be inhumanly murdered; from whence the Year following 981, he came to *Benevento* with his Army, where he continu'd for ſome Time: He was likewiſe receiv'd into *Naples* by the *Neapolitans*, who, little minding the Allegiance due to their Sovereigns the Emperors of the Eaſt, alſo gave him Succours; and whilſt he remain'd in theſe our Provinces, he found Means to augment his Army with thoſe Troops furniſh'd by *Benevento*, *Capua*, *Salerno* and *Naples* for invading *Puglia*. While he ſtaid here, he inquir'd into the Complaint of *John* Abbot of St. *Vincent* in *Vulturno*, againſt *Landulphus* Count of *Iſernia*, who had taken

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[1] Pell. in Stem. Princ. Capuæ.

[2] Sigon. A. 980.

[3] LL. Long. lib. 2. l. 35, 36, 37, 38, 39, 40, 41, 42, 43, 44.

[4] Goldaſt. tom. 1. p. 225. tom. 3. p. 305.

Poſſeſſion of three Caſtles belonging to that Monaſtery; he gave Sentence in favour of the Monaſtery, and caus'd a Charter to be drawn up for that end in *Benevento*, dated the Tenth of *October* this Year 981 [1].

THE ſame Year that *Pandulphus Iron-head* died in *Capua*, it happen'd that *Veſuvius* vomited out Fire and Flames. It was a common Opinion among the Vulgar, that ſuch Signs, were either preceded or follow'd by the Death of ſome rich, powerful and wicked Man, whoſe Soul was carried by the Devils through this Gulf into Hell; which Opinion had its Riſe, as often falls out in theſe Caſes, from the Viſion of a Hermit, who, as *Peter Damian* relates, fancied he had ſeen the Soul of *Pandulphus* carried by the Devils into the tormenting Fire of Hell [2]. Indeed *Iron-head* was the moſt rich and powerful Man in theſe our Provinces, in that Age: He was not only Prince of *Capua*, *Benevento*, and *Salerno*; but was likewiſe Marquis of *Spoleto* and *Camerino*, whereby he was in Poſſeſſion of little leſs than the Half of *Italy* [3]; and though we read of many pious Works done by him, and that he had a great Eſteem for Pope *John* XIII. and had inrich'd the Monaſtery of *Caſſino* in his Life-time with many Donations and Privileges, that according to *Oſtienſis* [4], he was in great Eſteem with the Monks; nevertheleſs, the Viſion of this Hermit made all theſe Actions not to be valu'd, and it was believed, that he had done them, not out of a ſincere Love to Piety and Religion, but for worldly Ends; to which was added, the henious Crime of driving *Landulphus* his Nephew out of the Principality of *Benevento*.

THUS likewiſe, *John* Prince of *Salerno*, who was Grandfather to the laſt *Guaimarus*, being murder'd by his own People in the Year 1052, when *Veſuvius* vomited Flames, *John*, who was of that Opinion, ſaid, *Procul dubio Sceleratus aliquis dives in proximo moriturus eſt, atque in Infernum deſcenſurus*; which ſoon after was applied to Prince *John* himſelf, who, the Night following, was unexpectedly found dead in the Arms of one of his Miſtreſſes [5]; whence the Vulgar were the more confirm'd in that Opinion, which long continued, even to the Time of our Grandfathers; and it was likewiſe fooliſhly believed, that *Veſuvius* was one of the Mouths of Hell.

BUT to return to our Purpoſe, *Pandulphus* dying, left, as we have ſaid, *Landulphus* IV. his Son in *Benevento*, to whom in his Life-time he had given that Principality, and who, for a few Months after the Death of his Father, govern'd *Capua*. He left *Pandulphus* another of his Sons, Prince of *Salerno*, whom *Giſulphus* had adopted, and who after the Death of his Father, govern'd that Principality for ſome Months; he alſo left other Sons, to wit *Atenulphus* a Count, *Landenulphus* a Marquis, *Giſulphus* who was Count of *Teano*, and *Laidolphus* [6].

BUT the Death of this Prince ſoon broke that Union, which could not long continue, for *Pandulphus* II. who had been turn'd out of the Principality of *Benevento* by him, no ſooner heard of his Death, than he reveng'd himſelf of the Wrong he had receiv'd: he drove *Landulphus* IV. out of the Principality, took *Benevento* to himſelf, and tranſmitted it to his Poſterity; and *Landulphus* died ſoon after; for *Otho* having march'd with his Army (which was compos'd of many Nations, and likewiſe *Beneventans*, amongſt whom were this *Landulphus* and *Atenulphus* his Brother) towards *Taranto*, in order to fight the *Greeks*, and *Saracens*, who had been invited to their Aſſiſtance; in the Battle which was fought the Year following 982. had his Army defeated, and amongſt the reſt, the Princes *Landulphus* and *Atenulphus* were killed, and *Otho* himſelf with Difficulty eſcap'd [7].

WHEREUPON it fell out, that after *Landulphus*'s Death, *Landenulphus* his Brother, and *Aloara* his Mother ſucceeded to the Principality of *Capua*, and *Otho* having recruited his Army the beſt way he could, when he return'd to *Capua*, confirm'd the Principality of *Capua* to *Aloara* and *Landenulphus*, who govern'd it from the ſaid Year 982 to the Year 993, when *Landenulphus* was cruelly murdered by his own People in the Month of *April* [8], four Months after his Mother's Death.

THIS Expedition of *Otho* againſt the *Greeks*, was ſo unfortunate, and the Defeat of his Army ſo great, that it was firmly believed, if the *Greeks* had known how to make uſe of their Victory, they might have carried their Arms to the Gates of *Rome*. But as the *Greeks* had perceiv'd the Diſloyalty of the *Neapolitans*, and their other Subjects in this Battle; ſo *Otho* had more Reaſon to impute the Loſs of it to the *Beneventans* and *Romans* [1] (who abhor'd him on account of the cruel Murder committed on the many Noblemen at the foreſaid Feaſt, for which they afterwards gave him the Surname of *Sanguinarius*) who in the Heat of the Battle had deſerted him. Wherefore 'tis ſaid, that the Year following 983, *Otho* having return'd to *Capua*, and recruited his Army, march'd on a ſudden to *Benevento*, and pillag'd that City, and in order to vex the *Beneventans* the more, he wrapped up the Bones of St. *Bartholomew*, for which they had ſo great Devotion, and carried them to *Rome*, and reſolv'd afterwards to tranſport them to *Germany*; but being prevented by Death, which happen'd this ſame Year in *Rome*, he could not put his Deſign in Execution; ſo that they remain'd in that City, where they are at this Day, ador'd in a Church in the Iſland *Lycaonia* in the *Tyber*, which is now much more famous all over the World, on account of thoſe Bones, than for its Riſe, which *Livy* deſcribes in his incomparable Hiſtory.

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[1] Baron. A. 981. num. 4.

[2] V. Pellegr. part 7. ad Anon. Salern.

[3] Pellegr. part 7. Anon. Salern.

[4] Lib. 2. cap. 2.

[5] Pellegr. loc. cit. pag. 222.

[6] Pellegr. in Stem.

[7] Sigon. 982.

[8] Pellegr. in Stem.

THE *Beneventans* cannot bear what is related concerning this Tranſlation by *Otho Friſingenſis* [2], *Goffredo* of *Viterbo* [3], *Blondus* [4], *Sigonius* [5], and other more modern Authors. They, from the Authority of *Robertus Tuitenſis* [6], who takes it from *Baronius*, and of *Oſtienſis* [7], will have it that about the Year 1000, *Otho* III. not II. having return'd to *Benevento* from *Monte Gargano*, ſought the Body of the Holy Apoſtle from the *Beneventans*, who, not daring to deny him, had recourſe to Fraud, and in place thereof, gave him the Body of St. *Paulinus* Biſhop of *Nola*, for which they likewiſe had a great Veneration: Of which *Otho* being afterwards appriz'd, was much offended at the Cheat, and return'd anew to *Benevento*, which he beſieg'd for many Days; but not being able to take it, he was oblig'd to return to *Rome*. But *Martinus Polonus* [8] by adapting himſelf to the Humour of the *Romans*, who will have it to be in the *Tyber*, relates likewiſe, that *Otho* III. return'd to *Benevento*; but that he ſought none other but the Body of St. *Paulinus* from the *Beneventans*, who, without any Guile, gave it him. Thus a bitter Diſpute concerning theſe Bones hath ariſen among the modern Writers; and the *Romans* and *Beneventans* worſhip two Bodies of the ſame Saint in different Places; and the *Neapolitans* likewiſe pretend, that the Head of this Saint is neither at *Rome* nor *Benevento*, but in *Naples*, in the Monaſtery of the Monks of Queen *Donna*, and that it was given them by *Mary* the Wife of *Charles* II. of *Anjou*, Son of *Charles* I. who got it from the *Beneventans* after he had defeated *Manfred*; and our Hiſtorian *Giannettaſio* believes it to be matter of Fact, notwithſtanding the bitter Conteſt which to this Day continues betwixt the *Romans* and *Beneventans*. We have ſeen in theſe our later Times, a great many Writers tormenting themſelves about this Subject, who, after all their Endeavours to prove, that this Body was either carried to *Rome*, or remain'd in *Benevento*, have yet the greateſt Part of their Work upon their Hands, to wit, to ſhew us how it was brought from the *Indies* to *Lipari*, as *Sigebertus* relates. But theſe Diſputes not being to our Purpoſe, we willingly leave them to thoſe who take Pleaſure in ſuch Matters.

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[1] Sigon. 982.

[2] Otho Friſingenſ. lib. 6. cap. 25.

[3] Gofridus Viterb. part 17. de Ot. 2.

[4] Blond. hiſt. Rom. dec. 2. lib. 3.

[5] Sigon. de Reg. Italiæ, lib. 7.

[6] Rob. Tuitenſis lib. 2. cap. 24.

[7] Leo Oſtienſ. lib. 2. cap. 24.

[8] In Chronic. lib. 4.

CHAP. III.

The Greeks *recover greater Strength in* Puglia *and* Calabria. *The Advancement of the Dukedom of* Bari, *at this Time the Seat o the* Catapani.

THE *Greeks*, who under the Emperors *Baſilius* and *Conſtantine* had gain'd ſo ſignal a Victory over *Otho* II. eſtabliſh'd themſelves more firmly in *Puglia* and *Calabria*; and governing theſe Provinces with great Authority, incroach'd upon the Borders of the Principalities of *Benevento* and *Salerno*, and pretended likewiſe to exerciſe Sovereignty over the *Longobard* Princes. But remembering the late Treachery of their Subjects, in order to keep them in Awe, they reſolv'd to have ſtrong Garriſons in theſe two Provinces. They were alſo afraid of being attack'd again by the *Germans* under *Otho*; and that the *Saracens*, tho' coop'd up in a few Forts, might diſturb them with their uſual Inroads, for theſe never ſlipt a fit Opportunity for making Incurſions into *Puglia* from *Monte Gargano*, where they had fortified themſelves. Therefore at this Time they had built many ſtrong Caſtles. They founded in the Plains of *Puglia* a City, which, in order to revive the glorious Name of *Ilium*, they call'd *Troja*, which remains to this Day, for the *Normans*, next to *Melphis*, diſtinguiſh'd it above all the other Cities of that Province, which at preſent is call'd *Capitanata.* They likewiſe founded there, *Draconaria*, *Cividade*, and *Firenzuola*, Cities not now in being, and other Towns [1]. In order to keep their Subjects the more in Awe, they appointed a new Magiſtrate in *Puglia*, in their Language, call'd *Catapanus*, who had full and unlimited Power, and govern'd theſe Provinces with abſolute Sway. *Bari*, where the *Stratico* formerly reſided, was appointed for his Seat, ſo that this City exalted itſelf above all the other Cities of *Puglia*.

OUR *Gulielmus Appulienſis* [2] derives this Title of *Catapanus* from the unlimited Power that was given to this Officer, and ſays he was call'd *Catapanus*;

Quod CATAPAN *Græci*, nos *JUXTA dicimus* OMNE.
Quiſquis apud Danaos vice fungitur hujus honoris,
Diſpoſitor populi parat omne quod expedit illi,
ET JUXTA quod cuique dari decet, *OMNE miniſtrat.*

BUT *Charles Du-Freſne*, in his Notes on the *Alexiade* of the Princeſs *Anna Comnena*, laughs at this Etymology of *Gulielmus Appulienſis*, and will have it, that *Catapanus* amongſt the *Greeks*, was the ſame as *Capitaneus* among the *Latins*: Which *Leo Oſtienſis* likewiſe ridicules, who in his Chronicle [3], beſides taking it to be the proper Name of a Man, whereas 'tis known to be a Title of Dignity, reckons that the Province of *Capitanata*, which took its Name from theſe Officers, came to be corruptly call'd ſo by the Vulgar, when it ought to be call'd *Catapanata*; yet *Du-Freſne* maintains, that *Catapanus* among the *Greeks*, was the ſame as *Capitaneus* among the *Latins*, and therefore it ought to be call'd *Capitanata*, and not *Catapanata*:

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[1] Leo Oſtienſ. lib. 2. cap. 50.

[2] Gul. Appul. lib. 1.

[3] Oſtienſ. lib. 2. cap. 50.

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Nicetas [1] likewiſe calls this Prefecture *Capitanata*, which being compos'd of many Cities or Towns, was under the Command of one Captain.

THE *Catapani* having fix'd their Seat in *Bari*, *Lupus Protoſpata*, who, according to *Pellegrinus* [2] was certainly of *Bari*, at leaſt of *Puglia*, gives us a long Liſt of them, and the firſt, that about this Time in the Year 999, according to him, govern'd this Province, was *Tracomotus*, or *Gregorius*, who beſieg'd *Gravina*, and took *Theophilactus*. In the Year 1006, *Xipheas* was ſent to be *Catapanus* of *Puglia*, who in the Year 1007 died in *Bari*, to whom *Curcua* ſucceeded the Year following 1008. Under whoſe Government the Inhabitants of *Bari* rebelling, choſe for their Prince *Melo* of *Longobard* Extract, who reſided in *Bari*, and will be famous in the Hiſtory of the *Normans*; but they being ſuppreſs'd by the *Greeks*, *Melo*, with his Brother-in-Law *Dattus*, made their Eſcape, and wandered up and down. He went firſt to *Aſcoli*, but being afraid of Treachety, he went to *Benevento*, from thence to *Salerno*, and afterwards to *Capua*, ſolliciting theſe *Longobord* Princes to aſſiſt him in freeing *Bari* from the Tyranny of the *Greeks*. *Curcua* dying in the Year 1010, *Baſilius* ſucceeded him as *Catapanus*, in whoſe Time *Freccia* [3] ſays, that *Bari facta eſt Sedes magnorum virorum Græcorum*. Thereafter in the Year 1017, *Andronicus* was *Catapanus*, who fought and defeated *Melo* [4].

THE Year following 1018, he was ſucceeded by *Baſilius Bugianus*, whom *Gulielmus Appulienſis* [5] calls *Baganus*, and *Leo Oſtienſis* [6], *Bajanus*. Who, that he might be recorded in the Hiſtory of *Italy*, diſmember'd a Part of *Puglia*, bordering on the Principality of *Benevento*, and made a new Province of it, which he call'd *Capitanata*, and, as we have ſaid, he built ſome Cities and Towns, ſuch as *Troja*, *Draconaria*, *Fiorentino* and others. In 1028, *Chriſtophorus* was made *Catapanus*; then *Patus*, who govern'd to the Year 1031, and the following Year *Anatolicus*. In 1033, *Conſtantinus Protoſpata* came to be *Catapanus*, who was call'd *Opus*. Thereafter *Maniacus*, to whom in the Year 1038, *Nicephorus* ſucceeded, who, in 1040 died in *Aſcoli*. To him ſucceeded *Michael*, who was alſo call'd *Duchianus*, and after him at laſt in the Year 1042, *Exauguſtus*, the Son of *Bujanus* was *Catapanus*, during whoſe Government, the *Greeks* were driven out of theſe Provinces, after he had been beaten and taken Priſoner in a Battle near *Benevento* by the *Normans*: And tho' theſe Provinces came afterwards under the Dominion of the *Normans*, but not all at once, therefore we read in *Lupus*, and the Anonymous of *Bari*, of other *Catapani* after *Exauguſtus*, whom we ſhall mention as occaſion offers.

THE Power then of the *Greeks*, after this Defeat of *Otho* II. till the *Normans* came to have Dominion in theſe Provinces, was become much more conſiderable than what it had been the preceding Years, both with regard to the Largeneſs of their Bounds, which they had extended, and the abſolute Empire, which the Emperors of the *Eaſt* had acquir'd in the Political and Temporal, and the Patriarchs of *Conſtantinople*, over the Metropolitans and Biſhops of *Puglia* and *Calabria*, in the Eccleſiaſtical and Spiritual Government.

PUGLIA, which in the Time of *Arechis*, and the other *Beneventan* Princes, his Succeſſors, belonged to the Principality of *Benevento*, was now diſmember'd from it, and being again come under the Dominion of the *Greeks*, very much diminiſh'd this Principality. The *Greeks* on this ſide reach'd as far as *Troja* and *Aſcoli*, and excepting *Siponto* and *Monte Gargano*, which were ſtill united to this Principality, towards the Eaſt, all that Tract of Country, to the very utmoſt Point of *Italy*, belong'd to them. *Calabria*, according to the modern Appellation, was likewiſe added, which included not only *Bruzio*, *Reggio*, *Crotone*, and other neighbouring Cities; but it alſo comprehended a great Part of the antient *Lucania*, and on that ſide was bounded by the Principality of *Salerno*, which was thereby confin'd to a narrower Compaſs than it had been in the Time of Prince *Siconulphus*. On another ſide they very much confin'd the Principality of *Capua*, inſomuch that the Dominion of the *Greeks* was never at any time ſo far extended as now, when drawing a Line from *Monte Gargano*, to the Promontory of *Minerva*, which is the greateſt Breadth of the Kingdom; all towards the Eaſt and South, was under their Dominion; as the other Part towards the Weſt and North, was ſubject to the *Longobard* Princes; but as the Principality of *Salerno* extended itſelf without this Line, towards the Eaſt and South; ſo likewiſe the *Greeks* had not altogether loſt their Dominion towards the other Part, which was not intirely ſubject to our *Longobard* Princes; foraſmuch as in this Extent, the Three Dukedoms of *Amalphis*, *Naples* and *Gaeta* were included, in which, though they were govern'd in the Form of Commonwealths, and often not only elected their Magiſtrates out of their own Body, but likewiſe their Dukes; nevertheleſs, the *Greek* Emperors always preſerv'd ſome Marks of their Authority and ſupreme Dominion in them, as we have ſeen, from what hath been formerly ſaid, with regard to the Dukedom of *Naples*; and the Dukes of *Amalphis* were wont to be confirm'd by the Emperors of the Eaſt, from whom they got the Dignity of *Patriciate*.

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[1] Nicetas in Man. lib. 2.

[2] Pellegr. Caſtigat. in Chron. Lupi Protoſp.

[3] Apud Pellegr. in Caſt. p. 81.

[4] Chron. Anon. Barenſ. apud Pellegr.

[5] Guil. Appul. lib. 1.

[6] Oſtienſ. lib. 2. cap. 50.

AND the ſame may be ſaid of *Gaeta*; for though *Leo Oſtienſis* [1] ſays, that *Gaeta* was ſubject to the Pope, and that therefore *John* VIII. had given it to *Pandulphus* Count of *Capua*; nevertheleſs it was ſoon recover'd by the *Greeks*. The Popes claim'd this City, by thoſe Rights which *Charles the Great* gave them, when he pretended to take it from the *Greeks*, and make a preſent of it to the Church of *Rome*, as he had done *Terracina* and the other Spoils of the *Greeks*; but *Arechis* immediately oppos'd it, and ordered Matters ſo, that this City quickly was reſtor'd to the *Greeks*, and was firſt govern'd by Patricians, and afterwards by Dukes. But becauſe the Popes do not ſo eaſily part with Rights, which they fancy they have once acquir'd; they always kept up their Pretenſions, and when Junctures and Times favour'd them, not being able to defend *Gaeta* of themſelves, they gave it to ſome powerful Prince, who was able to preſerve it from the *Greeks*, as *John* VIII. did, who gave it to *Pandulphus*; but becauſe he was ſevere in his Government over the *Gaetans*; *Docibilis*, who was then Duke of *Gaeta*, had recourſe to the *Saracens* for Aſſiſtance, in order to drive him out; ſo that we ſee, that at the ſame Time that *Oſtienſis* ſays *Gaeta* was ſubject to the Pope, there is mention made of Dukes of that City, who depended on the *Greek* Emperors, ſuch as *John*, *Gregory*, *Docibilis*, and others; and in many Charters made in thoſe Times in *Gaeta*, ſome of which we owe to *Ughellus*, we ſee the Names of the reigning Emperors of the Eaſt inſerted. Thus in one, made in the Year 812, we read *Imperantibus Domino noſtro piiſſimo imperatore Auguſto Michaelio, & Theophilo, magnis pacificis Imperatoribus.* And in another made afterwards, which *Oſtienſis* mentions in the Year 884, thus, *Imperantibus Domino noſtro Leone & Alexandro pacificis magnis Imperatoribus* [2]. Which is evident; for the *Normans*, after having driven out the *Greeks*, took the Title, not only of Princes of *Capua*; but alſo of Dukes of *Gaeta*; though they alter'd nothing of its Polity, but left it to be govern'd by its own particular Dukes and Conſuls [3].

THE *Greeks*, though they had ſo much extended their Bounds, not knowing what Fiefs were in theſe Times, had not erected Dukedoms, Counties, or other Baronies, either in *Puglia* or *Calabria*; but we find a great many of them in the Provinces, ſubject to the *Longobard* Princes. They were known, as we have ſaid, in the Counties of *Marſico*, *Moliſe*, *Iſernia*, *Apruzzi*, *Teano*, and many others; but were never heard of in *Puglia* and *Calabria*, till they came under the Dominion of the *Normans*; for the *Normans* being of the ſame Extraction with the *Longobards*, receiv'd them together with their Laws and Cuſtoms: So that Fiefs were introduc'd into all thoſe Places which they took from the *Greeks*; from whence ſprung (beſides the Counts of *Puglia* and *Calabria*) the Counts of *Capitanata*, *Principato*, *Lavello* and *Loritello*; the Counts of *Converſano* are often mentioned, both in antient Charters, and in the *Alexiade* of Princeſs *Anna Comnena*, as alſo in the Chronicle of *Leo*, in *Malaterra*, *Odericus Vitalis*, and a great many other Writers [4]; the Counts of *Catanzaro*, *Sinopolis* and *Coſenza*; the Counts of *Averſa*, and thoſe of *Lecce*; the Counts of *Avellino*, *Fondi*, *Gravina*, *Montecaveoſo*, *Tricarico* and many more, of whom we ſhall have occaſion to ſpeak when we come to the Times of the *Normans*. Formerly, when theſe Places were ſubject to the *Longobards*, they were, as we have ſaid, divided into *Caſteldati*, which were not true Fieſs, but their Cities were committed to the Government of thoſe *Longobard* Noblemen as an Office, neither could they be chang'd into Fieſs, as was practis'd in thoſe Provinces that had been long in the Poſſeſſion of the *Longobards*; becauſe the *Greeks*, who took them partly from the *Saracens*, who had taken them from the *Longobards*, and partly from the *Longobards* themſelves, as we have ſaid, never knew what Fieſs were.

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[1] Oſtienſ. lib. 1. cap. 42.

[2] Ughel. tom. 1. Ital. Sacr. de Epiſ. Cajet.

[3] Ab. de Nuce ad Oſtienſ. lib. 1. cap. 43.

[4] V. Du-Freſne in Not. ad Alexiad. Annæ Comnen.

THIS Increaſe of Power in the *Greeks*, and the Growth of their Dominion, was the Cauſe that the Churches of theſe Provinces, which according to the Diſpoſition of the Emperor *Leo*, were ſubject to the See of *Conſtantinople*, were more ſtrictly ty'd down to the Obedience of the Patriarchs of *Conſtantinople.* Whereupon the Prohibitions of *Nicephorus Phocas* became of greater Force againſt the *Latin* Rites, and which the Patriarchs of *Conſtantinople* inforc'd ſo much, as to command all the Biſhops of *Puglia* and *Calabria*, for the time to come, not to make uſe of unleaven'd Bread in the Sacrifices, according to the *Latin* Rites, but of leaven'd, according to the *Greek* Uſage; which made the Breach betwixt them and the Popes wider, who on no account would allow of it; therefore they begg'd the Emperor *Otho*, as we have ſaid, to ſend *Luitprandus*, Biſhop of *Cremona* to *Conſtantinople*: Which Diſputes much increas'd in the Pontificate of *Leo* IX. when the Patriarch *Michael Cerularius* excommunicated all the *Latins*, comprehending alſo Pope *Leo* himſelf, becauſe, among other Reaſons, they did not obſerve the Prohibition of unleaven'd Bread. Whence it came, that to this Day, there have continued in theſe Places, ſome Veſtiges of the *Greek* Rites, which many Churches ſtill retain; tho' the Popes have neglected no Opportunity to aboliſh altogether theſe Veſtiges of the Power of the Patriarchs of the Eaſt, and tho' they may have ſucceeded in many Cities, yet nevertheleſs, they are not quite extinct, but ſtill continue in ſome.

FOR the ſame Reaſon we have ground to believe, that in ſuch Times in theſe Places, the *Novellæ* of the Emperors of the Eaſt, and the Collections of the *Baſilicæ*, the Eclogues and the other Books, which we have mention'd in the preceding Book, have had ſome Force and Authority, and, as we have ſaid, the Eclogue of the *Baſilicæ* being found in *Taranto*, and that famous Library of *Greek* Authors having been preſerv'd for a long Time in *Otranto*, of which *Antonius Galateus* makes mention, are ſtrong Indications of the Truth of it. However 'tis true, that though theſe Books may have had ſome Authority, it could laſt but for a ſhort time, for theſe Places having ſoon fallen under the Dominion of the *Narmans*, who embrac'd the *Longobard* Laws, they would acknowledge no other but the Laws of theſe Princes, or the *Longobard*, which is evident from the very Cuſtoms of the City of *Bari*, taken from the *Longobard* Laws: This City having been a long time under their Dominion, and govern'd by their *Caſteldati*, of which we ſhall have occaſion to treat elſewhere.

SUCH then, was the State of theſe Provinces, which now compoſe our Kingdom towards the end of the Tenth Century, after the Death of *Otho* II. whilſt the Brothers *Baſilius* and *Conſtantinus* reign'd in the Eaſt. *Puglia* and *Calabria* (Provinces which ſo far extended their Bounds, that they comprehended all *Puglia*, *Japigia*, *Meſapia*, both the *Calabrias*, with that Part of *Lucania*, which ſtretches itſelf towards the *Ionian* Sea, and therefore had hemm'd in the three Principalities of *Capua*, *Benevento* and *Salerno*) were ſubject to the *Greeks*. The Dukedoms of *Amalphis*, *Naples* and *Gaeta*, though they retain'd the Form of Commonwealths, yet by a moſt antient and juſt Title, they depended on the Emperors of the Eaſt. *Aloara*, with her Son *Landenulphus*, reign'd in *Capua*. In *Salerno*, *Pandulphus* his Brother; in *Benevento*, *Pandulphus* II. who having driven out *Landulphus* IV. the Son of *Iron-head*, had likewiſe ſoon after aſſociated in the Principality *Landulphus* his Son, whom therefore we ſhall call *Landulphus* V.

BUT there would have been leſs Confuſion, if theſe Three Principalities, tho' much diminiſh'd by the *Greeks*, had at leaſt acknowledg'd only three Lords; they not only own'd the Emperors of the Weſt, as Kings of *Italy* for their Sovereigns, who, in theſe later Times, govern'd with a high Hand, but likewiſe their being divided into many Counties, was the occaſion of their Ruin. The Principality of *Capua* was divided into the Counties of *Fondi*, *Seſſa*, *Aquino*, *Teano*, *Aliſe*, *Caſerta* and others; that of *Benevento* into the Counties of *Marſi*, *Iſernia*, *Chieti*, and ſome others; that of *Salerno*, into the Counties of *Conſa*, *Capaccio*, *Corneto* and *Cliento*; and many Noblemen had made themſelves Lords of the Caſtles of that Principality; ſo that many of theſe Counts reckoning themſelves, as they were, of the ſame Race of *Atenulphus*, ſome of them as being deſcended from the Princes of *Salerno*, from Vaſſals, made themſelves abſolute Lords of their Counties, ſuch as the Counts of *Aquino*, *Marſi*, *Iſernia*, St. *Agatha* and others. The very Monks of *Caſſino* pretended to an abſolute Dominion over all thoſe Caſtles, which, by degrees, they had acquir'd from the Bounty of ſundry *Longobard* Princes; and the Abbot of *Noce*[1] has endeavour'd to maintain, that they poſſeſs'd them as Free-holds, and not as Fiefs, that they acknowledg'd no Lord, and therefore were ſubject to no Services, for which Cauſe they fortified them, hired Soldiers for defending them, and maintain'd Troops, after the ſame manner as the Abbot of St. *Gal* and other Prelates in *Germany* do.

IT would have been a Miracle then, if the Dominion of the *Longobards* had laſted longer in theſe Principalities; for they had introduc'd ſuch a Polity, as gave a fair Opportunity, and pav'd the Way for the *Normans* to ſubdue them. Neither could the Dominion of the *Greeks* be of long Duration in theſe Provinces; for they behav'd themſelves ſo haughtily towards their Subjects, neglecting to drive the *Saracens* out of them, that they were the Occaſion of their own Ruin, and open'd a wide Door to the *Normans*, who, in proceſs of Time, ſubjected them to one ſingle Prince, and laid the Foundation of a very ample and well regulated Monarchy, as we ſhall ſee in the following Books.

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[1] Ab. de Nuce Chr. Oſt. lib. 1. cap. 5.

CHAP. IV.

Otho III. *ſucceeds to the Kingdom and the Empire. New Revolutions happen in* Italy, *and in theſe our Provinces on that Account; and his Death.*

THE News of *Otho* II's Death, which happen'd in *Rome* in the Year 883, coming to *Germany* when it was leaſt expected, put all thoſe Princes into Confuſion; for tho' *Otho* II. had left another *Otho* his Son, yet he was only Seventeen Years of Age, which prompted the ambitious *Henry* Duke of *Bavaria*, firſt Couſin to the deceas'd *Otho*, to aſpire to the Kingdom of *Germany*. The *Romans* demanded an *Italian*, nam'd *Creſcentius*, for Emperor; but the *Germans* quickly broke theſe Meaſures, which they ſaw would be attended with Revolutions and Confuſion; and elected *Otho* III. for their King, with the Conſent likewiſe of Pope *Benedict*.

BUT this Prince being ſo young, and unfit for governing ſo great a Kingdom, was the Occaſion of terrible Diſorders, no leſs in *Germany* than in *Italy*; for while *Otho* was altogether intent on quelling the Tumults which his Election had occaſion'd in *Germany*, Sedition and grievous Mutinies aroſe in *Italy*. Pope *Benedict* dying in *Rome*, *Peter*, Biſhop of *Pavia* was elected, who call'd himſelf *John* XIV.[1]; and 'tis very probale, that he being *Otho*'s Chancellor, was, by his Recommendation, advanc'd to that Dignity. But *Boniface*, the Cardinal Deacon, who had formerly poſſeſs'd that Chair, and had been driven out of it, and fled to *Conſtantinople*, being provok'd by the Injury which he thought had been done him, return'd from *Conſtantinople* and came to *Rome* in the Year 985. and having rouz'd up thoſe of his Faction, and gain'd the People, got the Upper-hand; he impriſon'd Pope *John*, and ſhut him up in the Caſtle St. *Angelo*, where at the End of four Months he died of Hunger; but *Boniface* ſurviv'd him only other four Months, for he died ſuddenly, and *John* XV. was exalted to the Pontificate, who made *Amatus* Metropolitan of *Salerno*, whom *Benedict* a little before had made Archbiſhop.

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[1] Sigon. A. 984.

BUT *Creſcentius*, who in Oppoſition to *Otho*, had aſſum'd the Title of Conſul, and made himſelf Maſter of Caſtle St. *Angelo*, frighted *John*, and oblig'd him to retire into *Tuſcany*, and to beg *Otho* to come into *Italy* to re-eſtabliſh him in his See. The *Romans*, who knew by Experience how much the Viſits of the Emperors us'd to coſt them, recall'd *John*; but nevertheleſs *Creſcentius* maintain'd his Authority in *Rome*. *Otho* coming into *Italy* in the Year 996, ſtay'd ſome time in *Ravenna*, and while he was in that City Pope *John* died. The *Romans* by the Emperor's Order were forc'd to elect *Bruno*, his Couſin German, Pope, who took the Name of *Gregory* V. but *Creſcentius* quickly turn'd him out, and plac'd *John* Biſhop of *Placentia* in the Chair. This Action was not long unpuniſh'd, for *Otho* came immediately with his Army, and re-eſtabliſh'd *Gregory*. *John* with *Creſcentius* fled to the Caſtle St. *Angelo*; but the Emperor beſieg'd it, which would have been very hard to take, if *Creſcentius*, who defended it vigorouſly, had not been treacherouſly kill'd. The new Pope *John* was taken, his Eyes put out, his Noſe and Ears cut off, and in that Condition carried through the Streets of the City upon an Aſs, with his Face to the Tail of the Beaſt. Such were the Revolutions and Diſorders of *Rome*; neither was there leſs Sedition in *Milan* on account of the like Reaſons.

BUT the Diſorders were greater in theſe our Provinces, and in *Capua* more than any where elſe. In theſe Times, as we have ſaid, *Landenulphus* and *Aloara* his Mother govern'd the Principality of *Capua*, but this Princeſs died after ſhe had rul'd eleven Years with her Son, and within leſs than four Months after, ſome of his wicked Subjects, in the Year 993, having enter'd into a Conſpiracy, impiouſly murder'd him juſt as he had come out of the Church of St. *Marcellus*, and *Laidolphus* his Brother was elected Prince in his Place; but the Death of that unfortunate Prince did not paſs unreveng'd, for *Traſmondus* Count of *Chieti*, his Kinſman, having invited *Rinaldus* and *Oderiſius* Count of *Marſi*, to his Aſſiſtance, two Months after march'd to *Capua*, and kept it beſieg'd for fifteen Days, laying waſte all the Country about[1]; and ſhortly after *Otho* III. being appriſed of the villainous Aſſaſſination of *Landenulphus*, ſent the Marquiſs *Ugo*, with Orders not to raiſe the Siege till the Murderers were deliver'd into their Hands, ſix of whom were hang'd, and the reſt put to Death by different Torments. And afterwards, it having come to the Knowledge of *Otho*, that *Laidolphus*, who had ſucceeded in the Principality, had had a Hand in the Death of his Brother, he thought it was a very wicked Thing to allow ſuch an impious Man to reign in that Place, therefore in the Year 999, he depriv'd him of the Principality, and baniſh'd him to the other Side of the Mountains, appointing at the ſame time, *Ademarius* a *Capuan*, Prince, who was the Son of *Balſamo*, his own Creature, whom he had brought up from a Child, and to whom a little before he had given the Title of Marquiſs[2]: So that according to the Prophecy of St. *Nilo*, he was the laſt that reign'd in *Capua ex Semine Aloaræ*. But *Ademarius* injoy'd this Promotion but a ſhort time, for on account of his unworthy Behaviour he was quickly turn'd out by the *Capuans*, and *Landulphus* of St. *Agatha*, preferr'd to the Principality, who was the Son of *Landulphus* Prince of *Benevento*, and Brother to *Pandulphus* II. who reign'd in *Benevento* after he had driven out *Landulphus* IV. At this very Time there were other Misfortunes which invited the *Saracens* into this Principality; for theſe cruel Enemies having over-run and deſtroy'd *Campania*, in the Year 1000, aſſaulted *Capua* and took it. Of which *Otho* being appriſed, he immediately went into *Italy*, defeated the *Saracens*, and drove them out of *Capua* and its Confines.

THERE happen'd no leſs Diſorders in the Principality of *Salerno*, for after *Iron-head*'s Death, his Son *Pandulphus*, as we have ſaid, was left Prince, having been adopted by Prince *Giſulphus* I. but he held it only a few Months after his

[1] Sigon. A. 991.

[2] Oſtienſ. lib. 2. c. 15. V. Cam. Pel. in ſerie Com. cap. pag. 207.

Father's Death, for being depriv'd of his Aſſiſtance, the ſame Year 981. that his Father died, he ſoon loſt the Principality, into which *Manſo* Duke of *Amalphis* intruded himſelf, who together with *John* I. his Son, held it two Years [1]. *Otho* II. immediately the ſame Year 981, in the Month of *December*, not being able to bear the Intruſion of *Manſo*, beſieg'd *Salerno*, in order to drive him out of it, as not being its lawful Prince; but *Manſo* having found Means afterwards to pacify the Emperor, he prevail'd ſo much with him, that he allow'd him to keep the Principality.

NEITHER did *Otho* deſign to reſtore *Pandulphus*, perhaps becauſe he was likewiſe reputed an unlawful Prince, having ſucceeded to that Principality by the Adoption of *Giſulphus*; for the Feudal Law [2], which by Degrees had been introduc'd into theſe Places, prohibited adopted Sons to ſucceed to the Fiefs of the adoptive Fathers. However that may be, *Manſo*, according to the *Salernitan* Chronicle, as we have ſaid, aſſociated *John* I. his Son in the Principality. But afterwards, in the Year 983, *Otho* II. dying, the *Salernitans*, not pleas'd with the Government of *Manſo* Duke of *Amalphis*, on account of the continual Enmity and Jarrings which were betwixt the *Amalphitans* and the *Salernitans*, quickly drove him out, who had likewiſe been already turn'd out of the Dukedom of *Amalphis*, (altho' he afterwards recover'd it, and reign'd for other ſixteen Years) and in his Room elected *Giovanni di Lamberto*, who was nam'd II. to diſtinguiſh him from *Giovanni* I. the Son of *Manſo*, call'd *di Lamberto* from his Father's Name, perhaps a-kin to the Dukes of *Spoleto*, who often made uſe of the Names of *Lamberto* and *Guido*; as this *Giovanni* call'd his Son *Guido*, whom he made his Collegue in the Principality. *Giovanni* II. with *Guido*, reign'd from the Year 983 to 988 [3]; but *Guido* dying that Year, he aſſociated his other Son, nam'd *Guaimarus*, with whom he reign'd to the Year 994. The ſame Year, one Night as *Veſuvius* began to vomit out Fire, *Giovanni* was found dead lying by a Whore [4]: So that the Vulgar were the more confirm'd in their Belief, that when *Veſuvius* vomited Fire, the Soul of ſome rich wicked Perſon was carried to Hell. *Guiamarus* III. ſo call'd, becauſe there had been two Princes in *Salerno* of that Name before, and *Oſtienſis* [5] likewiſe calls him the Elder, to diſtinguiſh him from *Guaimarus* his Son, who ſucceeded him in the Principality; after the Death of his Father govern'd *Salerno* to the Year 1018. Afterwards, having aſſociated his ſaid Son *Guaimarus* IV. he held it to the Year 1031. in which he died. His Wife was *Guaidelgrima* Daughter of *Pandulphus* II. Prince of *Benevento*, and Siſter of *Pandulphus* IV. Prince of *Capua*, whom *Oſtienſis* therefore calls his Brother-in-Law [6].

BENEVENTO was never after ſeen in ſo majeſtick and flouriſhing a Condition as formerly, for by reaſon of the Diſorders and Tumults which had lately happen'd on account of the turning out of *Landulphus* IV. the Principality was govern'd by *Pandulphus* II. who was always jealous of, and quarrelling with the Princes of *Capua*. However, in order to maintain the Principality in his Poſterity, in the Year 987. he had aſſociated his Son *Landulphus*, who was nam'd V. who afterwards begot a Son likewiſe nam'd *Pandulphus*, whom the Grandfather in the Year 1014. aſſociated with himſelf in the Throne, and reign'd together with his Son and Grandſon to the Year 1014, when he died [7]. *Landulphus* V. continu'd in the Principality together with his Son *Pandulphus* III. to the Year 1033. in which he died; this *Pandulphus* III. likewiſe in the Year 1038. aſſociated a Son of his nam'd alſo *Landulphus*, and therefore was call'd VI. To the Calamities of *Benevento* was added, that *Otho* III. hated the *Beneventans*, becauſe it was ſaid, That they, together with the *Romans*, deſerted *Otho* his Father in the Battle againſt the *Greeks*: So that having return'd from *Monte Gargano* in a great Rage to *Benevento*, becauſe of the Hatred he bore the *Beneventans*, he took from them the Body of St. *Paulinus*, and carried it to *Rome* [8].

IN the mean time, *Otho*, to quiet the many Diſorders which had continu'd in *Rome* on account of the Rebellion of *Creſcentius*, not thinking it ſufficient to have caus'd this Tyrant to be put to Death, went to *Rome* in the Year 1001, leſt the *Romans* ſhould endeavour to ſtir up new Commotions; but not being able to ſuppreſs a new Conſpiracy that was hatch'd againſt him, for want of ſufficient Forces, he thought it more convenient to leave *Rome*, and march towards *Lombardy*. 'Tis ſaid, that at his departing, the Wiſe of *Creſcentius*, whom the Emperor, in Expectation of the Kingdom, had intic'd to grant him the laſt Favours, now ſeeing herſelf diſappointed, all in Tears, gave him a Pair of poiſon'd Gloves [1], with which *Otho*, being inſenſibly infected, died. *Leo Oſtienſis* [2] and *Antoninus* Archbiſhop of *Florence* [3] relate, that he died of Poiſon prepar'd in a Potion, and not in Gloves; which is more probable, it being repugnant to the Rules of Phyſick, according to the Obſervations of *Redi*, that Poiſon given in ſuch a manner, could have ſo much Force and Power as to coagulate or thin the Blood ſo as to kill a Man. Indeed, *Otho* was ſcarcely got to *Paterno*, not far diſtant from the City of *Caſtellina*, when he was taken ill, and there, before he expir'd, declar'd that he died of Poiſon: Some will have it that he died in *Sutri* this ſame Year 1001, ſuch as the Anonymous *Caſſinenſis*; others, to wit *Sigonius*, follow'd by *Baronius*, in the Year after, 1002. We have many Laws of this Emperor ſtill extant, likewiſe collected by *Goldaſtus* [4]; but not having left Male-Iſſue, and the Race of the *Otho*'s being extinct in him, the *Germans* were put in a terrible Confuſion on account of the new Election, which of neceſſity behov'd to fall upon a Prince of another Family. This therefore gave a freſh Occaſion to our *Italians* to aim at the Empire and the Kingdom of *Italy*, which they pretended to, by ſetting up *Ardoino* the Son of *Dodo* Marquiſs of *Eporedia*, which renew'd their wonted Confuſion.

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[1] Chron. Salern. apud Pellegr. in Stem. Princ. Salern.

[2] Lib. 2. tit. 26.

[3] Pell. in Stem. Princ. Salern.

[4] Pet. Damian. lib. 1. epiſt. 9.

[5] Oſtienſ. lib. 1. c. 37.

[6] Idem lib. 2. cap. 57.

[7] Pellegr. in Stem.

[8] Sigon. ad A. 1001.

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[1] Sigon. & Baron. ad A. 1002.

[2] Oſtienſ. lib. 2. cap. 24.

[3] Antonin. 2. par. tit. 16. cap. 3. §. 4.

[4] Gold. tom. 3. pag. 311.

CHAP. V.

The Inſtitution of the Electors of the Empire, and the Election of Henry *Duke of* Bavaria.

'TIS commonly believ'd that at this Time, the Inſtitution of the Electors of the Empire had its Riſe; for 'tis ſaid, that *Otho* III. deſpairing of Male-Iſſue, and foreſeeing the terrible Diſorders that were like to enſue in *Germany* on account of the Election of his Succeſſor, reſolv'd in his Life-time, with the Advice and Authority of *Gregory* V. to eſtabliſh a Method of Election; and that in order to prevent Confuſion, he reſtricted what was the Right of all the Princes of *Germany*, to only ſeven Electors; and from thence thoſe we now call the Electors of the Empire had their Riſe.

BUT as the Author from whom this College had its Inſtitution is uncertain, ſo likewiſe the Time when ſuch a Cuſtom was introduc'd is more uncertain, Writers differing in their Opinions about it. Some [1] carry it too far back, and will have *Charles the Great* to be the Author of it; but all Writers reject this Opinion as repugnant to Hiſtory; for 'tis manifeſt that this College was inſtituted a long time after; and from what has been related in the preceding Books of this Hiſtory, 'tis very clear, that the Succeſſors of *Charles the Great* were elected Emperors, not by certain Princes of *Germany*, but by all the Princes of *France*, yea rather by the preceding Emperor in his Life-time, or by his laſt Will; and the Empire, as if it had been Hereditary, continu'd in the Race of *Charles the Great*, till *Lewis* III. the laſt of *Charles*'s Lineage, not leaving Male-Iſſue, was overcome by *Berengarius* of *Verona*, and loſt both his Life and the Empire. Whereupon, as we have ſeen in the foregoing Books, the Empire began to decline; for the *Italians* and *Romans* acknowledg'd none others for Kings of *Italy* and Emperors, but thoſe only, who by Strength of Arms overcame their Enemies; thus *Berengarius*, *Lewis Boſon*, *Hugh* of *Arles*, *Lothaire* his Son, *Rodolphus* of *Burgundy*, and others, by poſſeſſing themſelves of *Italy*, ſet up to be Emperors. On the other hand, the Princes of *France* and *Germany* acknowledg'd *Conrade* King of *Germany*, who was of the Race of *Charles*, for Emperor, who being at the Point of Death, as *Nauclerus* relates [1], perſuaded theſe Princes to elect *Henry* Duke of *Saxony* for his Succeſſor. But neither *Conrade* nor *Henry* had ever the Title of Emperor, until after theſe Events that *Otho the Great* was elected (according to *Nauclerus*) *ab omni populo Francorum, & Saxonum*, who having conquer'd *Italy*, acquir'd likewiſe, with the Conſent of the People of *Rome*, the Title and Dignity of Emperor, and was anointed and crown'd by the Pope in *Rome*. And thoſe who ſucceeded *Otho*, ſuch as II. and III. *Otho*'s, as if it had belong'd to them by Hereditary Right, were alſo elected Emperors by all the Princes of *Germany*, as we have ſeen: So that to carry back this Cuſtom to the Time of *Charles the Great* is a manifeſt Error.

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[1] Jordanes in Chronico ex Inn. III. in cap. venerabilem, de Elect. & Electi poteſtate.

THIS falſe Opinion gave Riſe to another, that the Origin of this College ought to be dated from the Time of *Otho* III. who deſpairing of Male-Iſſue, and foreſeeing the Confuſions that were like to happen about the Election of his Succeſſor, with the Advice and Authority of *Gregory* V. confin'd this Faculty which belong'd to all the Princes of *Germany*, to ſeven only.

BUT *Onufrius Panvinius* [2] likewiſe rejects this Opinion, and will have it that this College of ſeven Electors was not inſtituted till after the Death of *Frederick*, by Pope *Gregory* X.; for he ſays, that a long time after the Death of *Otho* III. all the Princes of *Germany*, as formerly, both Biſhops, and Laicks, elected the Emperors; and that *Henry* II. *Conrade* I. and II. *Henry* IV. and V. *Lothaire* II. *Frederick* I. and *Philip* I. were thus elected. But this Opinion is as falſe as the other, ſeeing that long before *Gregory* X. theſe ſeven Electors are mention'd by ancient Writers: *Martinus Polonus*, who wrote under *Innocent* IV. *Leo Oſtienſis*, who flouriſh'd under *Urban* II. and the Council of *Lyons* which was held under the ſame *Innocent* IV. mention them. Whereupon *Baronius*, in order to avoid falling into the Error of *Onufrius*, ſtumbles upon another, and ſays, that the College of Electors was firſt inſtituted by *Innocent* IV. in the Council of *Lyons*, and not by *Gregory* X. but that Opinion is likewiſe found to be erroneous by what is ſaid of *Gregory* X.; for the Writers who flouriſh'd before the Council of *Lyons*, or about that Time, ſpeak of this College as a Thing very ancient. The Author of the Book *De Regimine Principum* (unjuſtly attributed to St. *Thomas*, ſo that our *Cujacius* [3] wrongfully loads this Saint with Reproaches, believing him to be the Author of it, and ſays, that he rav'd through the whole Book) flouriſh'd before the Council of *Lyons*. *Oſtienſis*, who wrote his Chronicle before this Council, and *Auguſtinus Triumphus*, who ſoon after wrote concerning the Inſtitution of the ſeven Electors, carry it back to the Time of *Gregory* V. and mention it as a Thing of great Antiquity; whence 'tis very unlikely that it had its Riſe in the Time of the Council of *Lyons*. Beſides, the ſeven Electors mention'd in that Council, differ both from the preſent and the ancient. *Martinus Polonus* ſays, that to his Time they conſiſted of the three Chancellors, to wit, the Archbiſhop of *Mentz*, Chancellor of *Germany*, the Archbiſhop of *Triers*, Chancellor of *France*, and the Archbiſhop of *Cologn*, Chancellor of *Italy*; and four other Princes likewiſe Officers of the Empire, to wit, the Marquiſs of *Brandenburg* Great Chamberlain, the Elector Palatine Butler, the Duke of *Saxony* Sword-bearer, and the King of *Bohemia* Cup-bearer. For thoſe mention'd in the Council of *Lyons* were different Perſons, to wit, the Dukes of *Auſtria*, *Bavaria*, *Saxony*, and *Brabant*; the Biſhops were thoſe of *Cologn*, *Mentz*, and *Saltzburg*.

IN ſo great a variety of Opinions it ſeems more probable, that the Inſtitution of the College of Electors was in the Time of *Otho* III. but that the Cuſtom and Practice of having only ſeven Electors preſent at Elections, was later [4]; for grave

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[1] Naucl. generat. 31. A. 937.

[2] Honufr. in lib. de Comitis Imperii.

[3] Cujac. de Feud.

[4] V. Du Pin, de Antiq. Eccl. diſc. diſ. 7.

Authors relate, that *Otho* having no hopes of Male-Iſſue, and to avoid Confuſion in the Election of his Succeſſor, conſulted *Gregory* V. about the Method that was proper to be obſerved in the Election of the Emperors, to which likewiſe the Conſent of the Princes of *Germany* was requiſite, to whom ſuch Election belong'd; and 'tis probable, that for Peace ſake, and to ſhun Confuſion and Factions, ſome yielded their Privilege, by reſtricting the Number of the Electors to ſeven: Altho' it be not recorded in Hiſtory that ſuch a Practice took Place ſo ſoon; for many Princes not being willing to part with this their Prerogative, would likewiſe be preſent at the Elections. So we read, that *Henry* the Succeſſor of *Otho*, was not elected by the ſeven Electors, but, according to *Nauclerus*, by the Princes of *Germany*; and we have alſo other the like Inſtances of many Princes and Prelates of *Germany* being preſent, ſo that among the Letters of *Gregory* VII. we have one of that Pope directed to all the Biſhops, Dukes, and Courts of *Germany*, for electing a new King in caſe *Henry* ſhould not recover his Health. Thus thoſe who ſay that the the College of ſeven Electors was inſtituted under *Otho* III. and thoſe who will have it to be begun no ſooner than *Gregory* X. or *Innocent* IV. will be eaſily reconcil'd; for theſe mean the Uſe and Practice, and thoſe the Inſtitution only.

BY which we ſee, that the Reaſonings of *Bellarmine* and his Followers are as vain, and to as little purpoſe on this Subject, as on that other, concerning the Tranſlation of the Empire to the *French*, in the Perſon of *Charles the Great*, or to the *Germans* in that of *Otho*, in attributing this Inſtitution to the Authority of the Pope; for neither the Pope nor the Emperor himſelf could reſtrict this Faculty to ſeven only, and deprive the reſt of the Princes of *Germany*, who were to be Loſers by it, of their Privileges, without their Conſent; and as they could not do it, ſo in Fact it was not done; and Writers teſtify, that this Prerogative was confin'd to ſeven by the Conſent of the other Princes. The ancient Chronicle, of which ſome will have *Albertus Stadenſis* to be the Author, in the Year 1240. bears, that with the Conſent of the Princes, the Biſhops of *Triers* and *Mentz* elect the Emperor; and *Auguſtinus Triumphus* [1] relates, that in the Time of *Otho*, *Gregory* V. having ſummon'd, and ask'd the Conſent of the Princes of *Germany*, inſtituted the ſeven Electors. *Leopold* [2] likewiſe reports, that in the Time of *Otho* III. who had no Sons, it was ordain'd, that the Election of the Emperor ſhould be made by certain Princes of *Germany*, Officers of the Empire, or of the Imperial Court: But none gives us a more exact Account of this Inſtitution than *Nauclerus* [3], who ſays, that *Otho* III. having no Male-Iſſue, with the Advice of the Princes of *Germany*, eſtabliſh'd, that upon the Death of the Emperor, the Election ſhould be made in *Frankfort*, appointing for Electors the three Archbiſhops, and the four Officers of the Empire abovemention'd; whence it was afterwards introduc'd, that the Election of the Emperor, who was not ſo call'd, but only *Cæſar*, or King of the *Romans*, until he had been crown'd by the Pope in *Rome*, ſhould ſolely belong to theſe Electors. Thus the Emperor *Otho*, out of many Princes, pitch'd upon ſeven Officers of the Empire for Electors, perhaps by the Advice of the Pope, but chiefly with the Conſent of the Princes who gave up their Right; and Pope *Gregory* V. approv'd of the Eſtabliſhment made with the Conſent of the Princes: So that ſuch an Inſtitution ought to be attributed to the Emperor, or rather to the Princes of *Germany* themſelves, than to the Pope, as Cardinal *Cuſanus* [4] obſerved. And tho' the Practice was not ſo early as the Eſtabliſhment, nevertheleſs afterwards in proceſs of Time, the Princes of *Germany*, preferring the Good of the Publick to their private Intereſts, diſpens'd with their Privileges, and confin'd the Number of Electors to ſeven only, who obtain'd ſuch Authority, not from the Pope nor the Emperor, but from the common Conſent of all thoſe, to whom ſuch Election formerly belong'd; and the Imperial Authority depends altogether on their Election, and on none other; and if it was the Cuſtom to take the Golden Crown in *Rome* from the Pope, that was only reputed a Solemnity and Ceremony, and was nothing but what was common with him to other Biſhops, who anointed and crown'd their own Princes, as was done in the Kingdoms of *Italy*, *France*, *Spain*, and others: So that the Emperor *Maximilian*, as *Guicciardin* relates [5], in a Speech which he made to the Electors before he went to *Italy*, proteſted, and plainly declar'd to them, that he had reſolv'd to go to *Italy* to receive the Imperial Crown with Solemnity (which he knew to be rather Ceremonial than Subſtantial) becauſe, ſaid he, the Imperial Dignity and Authority depend intirely on your Election.

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[1] Auguſt. Triumphus, lib. de poteſtate Eccl. qu. 35.

[2] Leopoldus de Jure Imperii, c. 3.

[3] Naucl. generat. 34. A. 994.

[4] Card. Cuſan. de Concord. Cath. l. 3. c. 4.

[5] Guicc. hiſt. lib. 7.

THE Inſtitution then of this Electoral College, though it had its Riſe from the Time of *Otho* III. yet it was not obſerv'd in the Election of *Henry* Duke of *Bavaria*, who ſucceeded him; for this Prince, according to the wonted Manner, was made King of *Germany* by the Princes and Prelates thereof. In the mean time, our *Italians* perceiving that *Otho* had left no Sons, conſpir'd anew to get the Empire and Kingdom of *Italy* into their own Hands. In effect, *Ardoinus* was proclaim'd King of *Italy* ih *Pavia*, and tho' it was diſputed with him by *Henry*, yet he poſſeſs'd it very near two Years. The Archbiſhop of *Milan* looking upon this Election of *Ardoinus*, without his Authority, as an Affront, mov'd *Henry* to drive him from the Throne. Not only the Pope, but the Archbiſhops of *Milan* likewiſe, pretended that the Election of the Kings of *Italy* belong'd to them; for they look'd on the Ceremony of their crowning and anointing Kings, which at firſt was practis'd to render the Action more Solemn, to be a Matter of Right neceſſarily belonging to them, and claim'd it, as if the Election had abſolutely depended on them. A Warning (as there are an infinite Number of ſuch to be obſerv'd in the Courſe of this Hiſtory) both to People and Princes to be upon their Guard againſt Prieſts meddling in their Affairs, or any thing that belongs to them; for what at firſt they get by way of Courteſy, or out of Reſpect to their Dignity, they afterwards claim as their Due; and then, with the utmoſt Ingratitude, deny that they owe it to them; but attribute it to their own Authority and Character. Thus *Arnulphus* Archbiſhop of *Milan* (if we may credit *Sigonius*) held a Council of his Biſhops, and depos'd *Ardoinus*, and confer'd the Kingdom of *Italy* upon *Henry*: So that the Popes were grievouſly offended at this Fact, with regard to Depoſitions, which they boaſt to be ſolely in their Power, with reſpect to Kingdoms and Empires, though at this Time even the Archbiſhops of *Milan* pretended to depoſe the Kings of *Italy*. In the mean time *Henry*, upon *Arnulphus*'s Invitation, ſent Duke *Otho* into *Italy* to drive out *Ardoinus*, and the War was carried on with doubtful Succeſs; but *Arnulphus* perceiving, that *Ardoinus*, who had laid Waſte all the *Milaneſe*, could not ſo eaſily be driven out of *Italy*, wrought ſo by his Legates, that *Henry* came to *Italy* himſelf with a powerful Army, took *Verona*, where *Ardoinus* had fortified himſelf, and confin'd him to *Pavia*, to which he laid cloſe Siege, made himſelf Maſter of it, and after having pillag'd it, he ſet Fire to it and reduc'd it to Aſhes [1]; afterwards he went to *Milan*, and was immediately crown'd King of *Italy* by the Archbiſhop; whereupon, many of our *Italians* deſerted *Ardoinus*, and ſided with the Archbiſhop and *Henry*.

NOW, that *Henry* had vanquiſh'd and ruin'd his Rival, he went this Year 1013 to *Roncaglia*, where, following the Example of his Predeceſſors, he held a Dyet, in which he made many Laws, as King of *Italy*, for he had not as yet aſſum'd the Title of Emperor. There were preſent in the Dyet, according to Cuſtom, many Princes, Marquiſſes, Counts, Judges, and likewiſe many of the Eccleſiaſtical State, both Archbiſhops and Biſhops. It was at this time, that this Prince enacted thoſe Laws which we have in the firſt and ſecond Books of the *Longobard* Laws [2], and by the antient Compiler of theſe Books, they were added to the others, made by *Henry* as King of *Italy*. *Sigonius* mentions other of his Laws [3], and many more were collected by *Godalſtus* [4].

HENRY went ſhortly after to *Ravenna*, from whence he ſent Ambaſſadors to *Rome* to Pope *Benedict* VIII. by whom he ſignified to him, that he was ready to come to *Rome*, in order to take the Imperial Enſigns and Crown [5]: He immediately ſet out for that City, where being kindly received by the Pope and the *Romans*, according to Cuſtom, with the uſual Ceremonies and Solemnity, he was crown'd with the Imperial Crown by the Pope, and proclaim'd *Auguſtus* by the People; from whence, after having confirm'd the Privileges granted by his Predeceſſors to the Church of *Rome*, he quickly return'd to *Germany*, whither he had been recall'd. Thus the Empire and Kingdom of *Italy* went from the Race of the *Otho*'s to the Houſe of *Bavaria*, in the Perſon of *Henry* II.; and *Ardoinus*, who held the Kingdom of *Italy* almoſt Two Years, having given over all Hopes of being reſtor'd, became Monk in a Monaſtery near *Turin*.

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[1] V. Pellegr. in Append. pag. 300. & igne cremavit eam.

[2] Lib. 1. l. 36. 37. de homicid. liber. hom. l. 4. de Parricid. lib. 2. l. 16. de prohib. nupt. V. Struv. hiſt. ur. Germ. §. 15.

[3] Sigon. ad A. 1013.

[4] Goldaſt. tom. 3. p. 311, 312.

[5] Oſtienſ. lib. 2. cap. 31. A. 1014.

BUT while *Henry* reign'd in the Weſt, and *Baſilius* in the Eaſt, there happen'd Events in theſe our Provinces, ſo prodigious and great, as at laſt terminated in the Dominion of a new People, who, from moſt ſlender Beginnings, by the means of their gallant Actions, were able to unite theſe our Provinces, formerly divided into ſo many Parts, and ſubject to ſo many Princes, under one Head, and who at laſt digeſted them into the Form of a well-founded and fix'd Kingdom. Theſe were the couragious and valiant *Normans*, whoſe Origine and famous Exploits ſhall be the ample and ſhining Subject of the following Books of this Hiſtory.

CHAP. VI.

The Eccleſiaſtical Polity of theſe our Provinces, during all the Tenth Century, to the coming of the Normans.

THE Eccleſiaſtical Polity, which was introduc'd among us in theſe Times, began to have ſome Reſemblance to the preſent, with regard to the Promotion of Biſhops, to be Metropolitans. The Popes giving the *Pallium*, claim'd by this new Pretence, a Power over the Biſhops to oblige them to go to *Rome* to receive it, when he advanc'd them to Metropolitans. From whence comes the Origine of the Claim, that the Cauſes of their Dioceſſes, either in Caſe of Appeal, or Negligence in deciding them, ought to be brought to *Rome*: And in fine, they pretended to inſpect into all their Affairs; for which Cauſe they made many new Metropolitans and Biſhops. They were ſupported in this by the *Otho*'s, Emperors of the Weſt, and eſpecially *Otho* I. who, to oppoſe the Ambition of the Patriarchs of *Conſtantinople*, defended them, and alſo extended their Authority over ſome of thoſe States that belong'd to the *Greek* Empire. *Otho* I. had good Reaſon to ſupport them; for there was never any Emperor ſo much favour'd by the Popes as he was. Although the Synod held in *Rome* by *Adrian* be diſputed, wherein 'tis ſaid, the Power of electing the Pope was given to *Charles the Great*; yet without all Controverſy, *Leo* VIII. in a general Council held in the *Lateran*, granted to *Otho the Great*, and to all the *German* Emperors his Succeſſors for ever, not only the Kingdom of *Italy* and the *Roman* Patriciate, and by an indiſſoluble Knot, united the Empire of the Weſt to the Kingdom of *Germany*, whence *Otho* and his Succeſſors were afterwards Sovereigns of *Rome*; but likewiſe Power of diſpoſing of the Holy See, and of electing the Pope at his own Will and Pleaſure. Beſides, he confirm'd to him the Right of *Inveſtiture*, which *Adrian* had granted to *Charles the Great*, by giving him Power, with the Ring and Staff, to inveſt the Archbiſhops and Biſhops in their Churches. We have a full Account of this Council held in *Rome* from *Luitprandus* [1],

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[1] Luitprand. lib. 6. cap. 21.

Ivo Carnutenſis [1], from whom *Gratian* took it [2], and likewiſe inſerted it in his Decree; and *Theodorick* of *Niſmes*, from an antient *Florentine* Code, likewiſe inſerted it in his Treatiſe of the Rights and Privileges of the Empire [3].

THUS by their mutually favouring one another, the antient Diſcipline came to be much more corrupted, and the antient Diſpoſition of the Churches to be chang'd. The Popes therefore ordain'd many Biſhops, and erected many Metropolis's; but the Advancement of theſe was according to the Diſpoſition of the Cities of the Empire, by always adapting the Eccleſiaſtical Polity to the Temporal; which exactly was the Caſe of theſe our Provinces.

The Principality of *CAPUA*.

BENEVENTO and *Salerno* had formerly been the moſt conſpicuous Cities in theſe our Provinces, ſubject to the *Longobards*; but at this Time *Capua* outſhin'd all the reſt. Therefore (laying aſide what the Patriarchs of *Conſtantinople* did in the Cities ſubject to the *Greek* Empire) the firſt City of our Kingdom that was advanc'd to be a Metropolis by the Popes, was *Capua*. The Emperor *Lewis*, in the Year 873, had a mind to make *Capua* a Metropolis; but as *Erchempertus* relates [4], being diverted by other Affairs, his Deſign did not take Effect. But *John* XIII. being cruelly perſecuted by the principal *Roman* Lords, who drove him out of *Rome*, coming to *Capua*, was kindly receiv'd by Prince *Pandulphus*; the Pope out of Gratitude for this Favour, in the Year 968, rais'd *Capua* to a Metropolis, and conſecrated *John*, the Brother of this Prince, Archbiſhop [5]. He had for Suffragans the Biſhops of *Atina*, which Biſhoprick was ſuppreſs'd in the Time of Pope *Eugene* III. that of *Iſernia*, which formerly had been united to the Churches of *Venafro* and *Bojano*, that of *Seſſa*, which afterwards was disjoyn'd from this Metropolis, and put under the immediate Subjection of the Pope; and in proceſs of Time, Biſhops ſtill multiplying in this Principality, he alſo had for Suffragans, the Biſhops of *Cajazza*, *Carniola*, *Calvi*, *Caſerta*, *Teano* and *Venafro*. The Biſhops of *Aquino*, *Fondi*, *Gaeta* and *Sora*, were likewiſe his Suffragans, but theſe being afterwards withdrawn from the Church of *Capua*, were ſubjected to the Apoſtolick See immediately.

The Principality of *BENEVENTO*.

THE Principality of *Benevento* did no leſs deſerve this Honour than that of *Capua*; its being of greater Extent than all the other Principalities and Dukedoms requir'd it more. Therefore the Archbiſhop of *Benevento* had likewiſe more ſuffragan Biſhops than all the Metropolitans of our Kingdom. *Benevento* was alſo in the Year after 969, by the ſame Pope *John* XIII. advanc'd to be a Metropolis; and as it was the Head of ſo large a Principality, ſo the Polity of the Church keeping pace with that of the Empire, the Biſhop of *Benevento* became the Head of all the Churches of the Principality. Out of reſpect to the Emperor *Otho*, and Prince *Pandulphus*, *Landulphus* was appointed Archbiſhop of *Benevento*, to whom Pope *John* gave the *Pallium*, and Title of Metropolitan [6]. What is particularly obſerv'd in this Church is, that the Biſhop of *Benevento*, before he was advanc'd to the Rank of Metropolitan, had *Siponto*, and many other Cathedral Churches ſubject to him. He was the moſt favour'd, both by the Popes and the Emperors, and had many Prerogatives and Privileges from his own Princes. He was once honour'd with thoſe two ſignal Prerogatives, which now are reſerv'd to the Pope alone, to wit, to wear a round Mitre, in the faſhion of the antient Pontifical * *Tiara*, with one ſingle Crown, embelliſh'd with Gold; and while he was viſiting his Province, to carry along with him the venerable Sacrament of the Altar; and he as yet retains, after the Manner of the Popes, the Cuſtom of ſigning his Bulls with a leaden Seal. The Archbiſhop of *Benevento* had once the

* Triple Crown.

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[1] Ivo in Pannom. lib. 8. c. 136.

[2] Grat. c. 23. diſt. 63.

[3] V. Struv. hiſt. jur. publ. §. 2.

[4] Erchemp. num. 36.

[5] Leo Oſtienſ. lib. 2. cap. 9. Sigon. lib. 7. A. 966. Baron. Annal. ad A. 968. Pellegr. in Serie Ab. Caſſ. in Aligern. pag. 37.

[6] Anon. Salern. part 2. num. 5. and there Pellegr. Chron. Monaſt. S. Bart. de Carpineto, lib. 1. V. Baron. ad A. 968. Marium Viper. in Chron. Epiſc. & Archiep. Ben. lib. 2.

Temporal Lordſhip of the City of *Varano*, with many other Towns and Caſtles, and exerciſ'd Juriſdiction in many Places; and as yet his Vicars are Judges Ordinary, in Matters of Appeal in Civil Cauſes, betwixt Laicks; and they retain to this Day, both the pure and mix'd Juriſdiction over the Villages of St. *Angelo* and *Motta*, as *Ughellus* relates [1].

THE Extent of his Principality, likewiſe of courſe made the Number of ſuffragan Biſhops to be greater than that of all the other Metropolitans in theſe Provinces. They once came to the Number of Thirty-two, till ſome of them were raiſ'd to be Metropolitans, ſuch as that of *Siponto*; or were immediately ſubjected to the Apoſtolick See; and others, their Cities being deſtroy'd, were ſuppreſs'd. Hitherto he had for Suffragans, the Biſhops of St *Agatha de Goti*, *Avellino*, *Arriano*, *Aſcoli*, *Bovino*, *Volturara*, *Larino*, *Teleſe*, *Aliſe* and *Siponto*. The Popes afterwards having made more Biſhops in the Kingdom, and raiſ'd many Churches to be Cathedrals, the Number of Suffragans increaſ'd: So that now, by a new Diſtribution, the Kingdom being divided into many Provinces, we ſee that this Metropolitan has ſuffragan Biſhops, not only in the *Principato ultra*, but alſo in other Provinces. In the County of *Moliſe*, he has the Biſhops of *Bojano*, and *Gardia Alfiera*. In the *Principato citra* he has Five, the Biſhops of *Avellino*, *Arriano*, *Trivico*, *Volturara* and *Monte Marano*: In *Terra di Lavoro* he has Three, to wit, that of St. *Agatha de Goti*, *Aliſe* and *Teleſe*: In the *Capitanata* Six, to wit, *Aſcoli*, *Bovino*, *Larino*, St. *Severo*, *Termoli* and *Lucera*. The Biſhopricks of *Draconaria*, *Cividade*, *Firenzuola*, *Frigento*, *Leſina*, *Montecorvino* and *Turtiboli*, which were Suffragans to the Archbiſhop of *Benevento*, by reaſon of the Deſolation of their Cities are now extinct, and the Revenues united to other Cathedral Churches; and thoſe of *Leſina* to the Magnificent Hoſpital of the *Annuntiation* in *Naples*.

HE had likewiſe in this Province, when *Siponto* and *Monte Gargano* were comprehended in the Principality of *Benevento*, the *Sipontine* and *Garganican* Churches, that had been aſſign'd to the Biſhop of *Benevento*, from the Time of St. *Barbatus* by Duke *Romualdus*, with the Conſent of Pope *Vitalianus*, who, in the Year 668, confirm'd the *Sipontine* Church to *Barbatus* and his Succeſſors; and the *Beneventan* Biſhops were likewiſe call'd Biſhops of *Siponto* for near Four hundred Years; ſo that *Landulphus*, who was the firſt Archbiſhop of *Benevento*, had alſo the Title of Biſhop of *Siponto*; but when this Province was afterwards taken from the *Greeks* by the *Longobards*, and fell under the Dominion of the *Normans*, they were diſjoyn'd from *Benevento* and *Siponto*, and the antient Biſhop's See was advanc'd to a Metropolis. The *Sipontine* Church from the earlieſt Times, had its own Biſhops; and in the Acts of the *Roman* Council held in the Year 465, under Pope *Hilarius*, we read the Subſcription of *Felix* Biſhop of *Siponto*. We find another *Felix*, likewiſe Biſhop of this City, in the Time of *Gregory the Great*, to whom we ſee many Letters of this Pope directed; and in the Decree of *Gratian* [2], there's mention made of *Vitalianus* Biſhop of *Siponto*, to whom St. *Gregory* likewiſe directs his Letters. Afterwards, on account of the cruel Wars betwixt the *Beneventan Longobards*, and the *Neapolitan Greeks*, being reduc'd to a lamentable Condition, it was, as we have ſaid, united to that of *Benevento*; from which it was not diſjoyn'd till the Time of *Benedict* IX. who, in the Year 1034, ſeparated it from *Benevento*, and honour'd it with the Archiepiſcopal Dignity, and from that Time we frequently find the Names of the *Sipontine* Archbiſhops in the Decretals [3]. *Paſchal* II. gave it afterwards the Biſhop of *Veſti* for Suffragan, which it keeps to this Day.

THESE Archbiſhops retain the Title of *Sipontine*, though *Siponto* be now deſtroy'd, and another City built upon its Ruins by *Manfrede*, from his own Name, call'd *Manfredonia*. The Popes, both out of regard to Antiquity, and the Hatred they bear to the Name of *Manfrede*, have made it retain its antient Name. The Prebends and *Garganican* Citizens likewiſe pretended, that the *Sipontine* Archbiſhops, either on account of the Pleaſantneſs of the Place, or becauſe of Wars, having frequently reſided in *Gargano*, ought to be call'd not only *Sipontine*, but alſo *Garganican*, and that their Church, as well as that of *Siponto*, ought to enjoy the ſame Honours and Prerogatives; they alſo quote for it, a Bull of Pope *Eugene* III. and they commenc'd a Suit upon it in *Rome*, which laſted many Ages. But *Alexander* III.

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[1] V. Ughel. Ital. Sacr. de Archiep. Ben.

[2] Decr. can. ſi juſtos 27. qu. 2.

[3] Decretal. c. te referente, de Celebrat. Miſ. c. 2. de Adulter.

gave it againſt them; for having examin'd *Eugenius's* Bull, it was found to be raz'd and vitiated in that Part, on which they laid their Streſs. The Succeſſors of *Alexander*, to wit, *Lucius*, *Celeſtine*, *Innocent* III. and all the other Popes, have confirm'd his Sentence: So that the *Sipontine* Church alone retains the Honour of Metropolis, to which the *Garganican* are ſubject.

THERE are ſome who believe, that when *Benedict* IX. advanc'd *Siponto* to a Metropolis, he likewiſe gave it four Suffragans, to wit, the Biſhops of *Troja*, *Melphis*, *Monopolis*, and *Rapolla*; but, as *Ughellus* well proves, theſe either never, or but for a ſhort time acknowledg'd the Archbiſhop of *Siponto* for their Metropolitan; for in the *Lateran* Council which was celebrated in the Year 1179, under *Alexander* III. the Biſhops of *Melphis* and *Monopolis* ſubſcrib'd with the other Biſhops that were immediately ſubject to the Apoſtolick See; and thoſe of *Troja* and *Rapolla* were not preſent; and in the old *Roman Provincial*, written more than Five hundred Years ago, theſe two are ſaid to belong to the Province of *Rome*, and of late that of *Rapolla* became extinct, and was given to the Biſhop of *Melphis*

WE do not find at this Time that the Biſhop of *Benevento* had Suffragans in the two *Apruzzi*, which were formerly comprehended in the Principality of *Benevento*; for the Biſhopricks of this Province, as being near to *Rome*, were immediately under the Apoſtolick See. *Aquila* built by the Emperor *Frederick* II. upon the Ruins of *Amiterno*, of whoſe Biſhop there's frequent mention made in the Letters of St. *Gregory the Great*, was made an Epiſcopal See by *Alexander* IV. who with the Conſent of *Bernard* Biſhop of *Forco*, about the Year 1257 tranſlated the See to *Aquila*, and having fix'd it in the Church of SS. *Maximus* and *George*, ordain'd that he ſhould be no more call'd Biſhop of *Forco*, but of *Aquila*, as appears by the Bull made for that purpoſe, recorded by *Bzovius* in the Eccleſiaſtick Annals, of which there is an authentick Copy on Parchment preſerv'd in the Archives of the Convent of St. *Dominicus* in *Naples*, which was extracted at the earneſt Deſire of the Vicar of *Paul* its Biſhop in the Year 1363. And this Church is Suffragan to no Metropolitan, but immediately under that of *Rome*. *Chieti* likewiſe had its own Biſhop immediately ſubordinate to the Pope, and was not till of late made a Metropolis by *Clement* VII. in the Year 1527, to which the Biſhops of *Penna*, *Adria*, and *Lanciano* were made Suffragans; but theſe alſo withdrew afterwards, and ſubjected themſelves immediately to *Rome*; and *Lanciano* was thereafter rais'd to a Metropolis, but without getting any Suffragan, retain'd only the Pre-eminency and Title of Archbiſhop; and at preſent the Biſhop of *Ortona* remains the only Suffragan to the Metropolitan of *Chieti*.

The Principality of *SALERNO*.

THE Principality of *Salerno* likewiſe in this tenth Century deſerv'd to have its own Metropolitan, as well as thoſe of *Capua* and *Benevento*; therefore *John* Prince of *Salerno*, deſir'd Pope *Benedict* VII. to raiſe this City to a Metropolis, which he did in the Year 974, and appointed *Amatus* Archbiſhop of it [1]; this Prerogative was afterwards confirm'd to it by Pope *John* XV. So that the Index join'd to the Hiſtory of the Kingdom of *Italy* by *Sigonius*, which makes the Inſtitution of this Archbiſhoprick to have been by *Sergius* IV. in the Year 1009, contains a manifeſt Error. He had at firſt many Suffragan Biſhops, among which were thoſe of *Coſenza*, *Biſignano*, and *Acerenza*. But according to the Diſpoſition of the Sees ſubject to that of *Conſtantinople*, related in the ſixth Book of this Hiſtory, the Biſhops of *Coſenza* and *Biſagnano* were by the Emperor *Leo* made Suffragans to the Metropolitan of *Reggio*; and the Biſhop of *Acerenza* to the Metropolitan of St. *Severina*; but they were afterwards reſtor'd to the See of *Rome*, and adjudg'd to the Metropolitan of *Salerno*. The Biſhop of *Conſa* was likewiſe his Suffragan, as alſo thoſe of *Peſto*, *Melphis*, *Cava*, *Lavello*, and *Nola*; but that of *Peſto* was afterwards join'd to *Capacio*; thoſe of *Melphis*, *Lavello*, and *Biſagnano* withdrew from him, and put themſelves immediately under the Apoſtolick See, and *Nola* was made Suffragan to the Archbiſhop of *Naples*. The Monaſtery of the Cave was erected at this Time, whoſe firſt Abbot was *Alferius*, and afterwards rais'd to the higheſt Dignities, was erected into a Cathedral by *Boniface* IX. [2]; and in the Year 1091. its Abbot *Peter* was honour'd with the Mitre by *Urban* II. But *Leo* X. gave this Monaſtery a particular

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[1] V. Ughel. Ital. Sacr. de Archiep. Salern.

[2] Ab. de Noce in Oſtienſ. lib. 2. cap. 30.

Biſhop, who was immediately under the Apoſtolick See. The Biſhops of *Conſa*, *Acerenza*, and *Coſenza*, were afterwards advanc'd to Metropolitans.

BY whom, and at what Time the Biſhop of *Conſa* was exalted to a Metropolitan is very uncertain: *Ughellus* by a ſtrong Conjecture [1], believes that it was by *Alexander* II. or *Gregory* VII. his Succeſſor; for we ſee, that in the Year 1051, under the Pontificate of *Leo* IX. the Biſhop of *Conſa* was ſtill Suffragan to the Archbiſhop of *Salerno*; and the firſt we find nam'd Archbiſhop of *Conſa*, was *Leo*, who liv'd under the Pontificate of *Gregory* VII.; and from this *Leo* afterwards, without Interruption, we ſee all the reſt nam'd Archbiſhops. The Biſhops that from time to time were made in the neighbouring Places were given them for Suffragans; *viz.* the Biſhops of St. *Angelo de Longobardi*, *Biſaccia*, *Lacedogna*, *Montemurro*, *Muro*, and *Satriano*; but this laſt was put under the Metropolitan of *Salerno.* As for that of *Belfienſe*, which is mention'd in the *Roman Provincial*, as ſubject to the Metropolitan of *Conſa*, we have no Veſtige of it at preſent.

THE Biſhop of *Acerenza*, who formerly, according to the *Novella* of *Leo*, was Suffragan to the Metropolitan of St. *Severina*, when ſubject to the Patriarch of *Conſtantinople*, being reſtor'd to the Patriarch of *Rome*, acknowledg'd the Archbiſhop of *Salerno* for Metropolitan; and we read that from the Year 993. to 1051. he had been his Suffragan. He was afterwards exalted to be a Metropolitan by *Nicholas* II.; for what ſome have written, as if this Dignity had been conferr'd upon him by *Benedict* V. is without Foundation. *Alexander* II. who ſucceeded *Nicholas*, confirm'd the Prerogative of Metropolitan to Archbiſhop *Arnulphus*, in the Year 1067, and gave him the *Pallium*; and he had for Suffragans the Churches of *Venoſa*, *Montemilone*, *Potenza*, *Tulba*, *Tricario*, *Montepeloſo*, *Gravina*, *Oblano*, *Turri*, *Turſi*, *Latiniano*, St. *Quirico*, and *Virolo*, with their Caſtles, Villages, Monaſteries, and People: So that the Title of Archbiſhop of *Acerenza* began to be conſpicuous; and there are many Occaſions of making mention of it in our Decretals [2]. But in proceſs of Time, *Acerenza* being ruin'd by the continual Wars of its Inhabitants, the Archbiſhop was forc'd to get the Church of *Matera* annex'd to his own, which having been erected into a Cathedral by *Innocent* II. was for ever annex'd to that of *Acerenza*, on this Condition, that the Archbiſhop of *Acerenza*, for the greater Dignity of the Church of *Matera*, ſhould likewiſe call himſelf Archbiſhop of *Matera*; and that when he reſided in *Acerenza*, the Title of *Acerenza* ſhould be put before that of *Matera*; and when he reſided in *Matera* the contrary was to be practis'd. This Union did not laſt long, for *Eugenius* IV. in order to remove the Diſcords betwixt the Chapters and Citizens of the two Cities, divided them, and aſſign'd *Matera* its own Biſhop. They were afterwards united; but new Quarrels having ariſen under the Pontificate of *Leo* X. at laſt in that of *Clement* VIII. it was decided in Favour of *Acerenza* by the *Rota* of *Rome*, preſerving to it its ancient Rights and Pre-eminences. But this City falling into the utmoſt Decay, loſt its ancient Splendor; and on the contrary, according to the Viciſſitude of worldly Things, *Matera* having grown larger, and more numerous in Inhabitants, the See of the Archbiſhops of *Acerenza* behov'd to be tranſlated to *Matera*, where they reſide at preſent; and they have ſtill five Suffragan Biſhops, to wit, thoſe of *Anglona*, tranſlated in the Year 1546. by *Paul* III. on account of its Deſolation, to *Turſi*, *Gravina*, *Tricarico*, and *Venoſa*.

THE Biſhop of *Coſenza* formerly Suffragan to the Metropolitan of *Reggio*, and ſubject to the See of *Conſtantinople*, when *Coſenza* was afterwards taken from the *Greeks*, and reſtor'd by the *Normans* to that of *Rome*, was Suffragan to the Archbiſhop of *Salerno*; but in what Year, and by what Pope it was disjoin'd, and exalted to be a Metropolis, is very uncertain [3]. 'Tis commonly believ'd that it was honour'd with this Dignity in the Beginning of the eleventh Century; for in the Year 1056, in the Chronicle of *Lupus Protoſpata* there's mention made of a certain *Peter* Archbiſhop of *Coſenza*; and others think that this Change was made under the Pontificate of *Gregory* IX. or a little before. Altho' he enjoys large Revenues, yet he has but one ſingle Suffragan, which is the Biſhop of *Martorano*, all the other Biſhops in the Neighbourhood being exempted, and immediately ſubject to the See of *Rome*.

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[1] Ughel. Ital. Sacr. de Archiep. Compſ.

[2] Decretal. cap. cum Clem. de Teſtam. cap. ſi colluſ. de reg. Eccleſ. Inn. III. in cap. cum olim, de Cleric. conjug.

[3] Ughel. Ital. Sacr. de Archiep. Conſent.

BUT none of all the Metropolitans of theſe our Provinces can boaſt of the Dignity of Primate, excepting the Archbiſhop of *Salerno*, who was declar'd Primate of all *Lucania* by *Urban* II.: So that tho' the Biſhops of *Conſa*, *Acerenza*, and *Coſenza*, who were his Suffragans, have been ſince rais'd to be Metropolitans, yet *Urban* II. by his Bull made in *Salerno*, in the Year 1099, appointed him Primate over them and all their Suffragans. *Ferdinandus Ughellus* tranſcribes the Bull, part of which is likewiſe recorded by *Baronius*, whereby the Pre-eminence of Primate over the Archbiſhops of *Acerenza* and *Conſa*, and over all the Suffragans, who were oblig'd to promiſe to yield him all Obedience, was granted to *Alphanus* Archbiſhop of *Salerno*, and his Succeſſors; the Bull likewiſe preſcribes the Method of their Election; that they were to be elected in their Metropolis's, in Preſence, and with the Advice and Conſent of the Legate of the Apoſtolick See, and of the Archbiſhop Primate; and being elected, they were to be ſent to *Rome* with their Patents, in order to be conſecrated, and to receive the *Pallium*, and afterwards to ſwear Obedience to the Archbiſhop of *Salerno*, as their Primate. But in proceſs of Time theſe Prerogatives have been diſus'd, and now the Archbiſhop of *Salerno* exerciſes his Right of Metropolitan only over the Suffragan Biſhops that have remain'd to him, which are the Biſhops of *Acerno*, *Campania*, *Capaccio*, *Marſico*, *Novo*, *Nocera de Pagani*, *Nuſco*, *Policaſtro*, *Satriano*, and *Sarno*.

SECT. I.

The Diſpoſition of the Churches ſubject to the Greek *Empire, which were reſtor'd afterwards by the* Normans *to the* Roman *See.*

PUGLIA.

AT this Time we ſee the principal Seat of the *Greek* Magiſtrate fix'd in *Bari*, from whence he govern'd both *Puglia* and *Calabria*; wherefore it is by Writers call'd the Head of all the Cities of *Puglia*, and had the firſt Rank in this Province. Its Biſhop therefore was exalted above all the other Biſhops of *Puglia*; to this was added the Favour of the Patriarchs of *Conſtantinople*, who having appropriated him to themſelves, and ſubjected him to the See of *Conſtantinople*, endow'd him with many Privileges and Prerogatives. But what he moſt valu'd himſelf for, was the Tranſlation hither of the miraculous Bones of St. *Nicholas* Biſhop of *Mira*; which ſacred Relicks, ſome *Bareſians* trading in the *Levant*, and returning from *Antioch* by Sea, and landing in the Waſhes of *Lycia*, wrapp'd up, and brought from thence to *Bari* in the Year 1087. Thus *Bari* now vies with *Benevento* and *Salerno*; for if they were proud of having the Bodies of two Holy Apoſtles, *Bari* brags of having that of St. *Nicholas*; and with ſo much the more Reaſon, as that thoſe keep the Bones of their Apoſtles ſapleſs and dry, but *Bari* has her Saint's Bones ſwiming in precious Liquor; of which we have an illuſtrious Teſtimony, to wit, that of the Emperor *Emanuel Comnenus*, who declares it in one of his *Novellæ*[1]. The Church of *Bari* had her ancient Biſhops: There's mention made of *Gervaſius*, who in the Year 347 was preſent in the Council of *Sardica*; of *Concordius*, who ſubſcrib'd in the *Roman* Council under Pope *Hilarius*, in the Year 465, and others who were only ſimple Biſhops. *Antonius Beatillus* in his Hiſtory of *Bari* will have it, that *Peter* Biſhop of *Bari* was advanc'd to the Title and Authority of Archbiſhop and Metropolitan in the Year 530, by *Eugenius* Patriarch of *Conſtantinople*, in the Pontificate of *Felix* IV.; it being manifeſt from the *Greek* Bulls, which are as yet preſerv'd in the Cathedral of *Bari*, that the Patriarchs of *Conſtantinople* confirm'd the Elected, and diſpatch'd the Bulls; but tho' it be true, that *Bari* when it was under the *Greek* Empire likewiſe belong'd to the *Conſtantinopolitan* See, as we read in *Balſamo* in the Account which he gives of the Biſhopricks ſubject to that Patriarchate, among others, he reckons *Bari* XXXI, *Trani* XLIV, *Otranto* LXVI, and the reſt of *Calabria* XXXVIII. Nevertheleſs this ought not to be carried ſo far back as the Year 530, when theſe Provinces were govern'd by the *Goths*, and when the *Greeks* had no Concern either in their Political and Temporal, or Eccleſiaſtick and Spiritual

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[1] Novel. 2. de Feriis, §. 4. In honorem miraculis celebris, unguentoque Scaturientis Nicolai.

Matters; all our Churches being then govern'd by the *Roman* Pontiff; neither had the Ambition of the Patriarchs of *Conſtantinople* extended itſelf ſo far in thoſe Times, as to have encroach'd upon theſe our Provinces, as it did afterwards in the Time of *Leo Iſauricus*, and more under the Emperors *Leo Armenus*, and *Leo Philoſophus*, who are ſaid to be the Authors of the Diſpoſition of the Churches ſubject to the See of *Conſtantinople*: So that 'tis to be believ'd, that the Biſhops of *Bari* being firſt honour'd, according to the *Greek* Vanity, with the Title of Archbiſhops, were afterwards made Metropolitans by the Patriarchs of *Conſtantinople*, who aſſign'd them twelve Suffragan Biſhops, long after that *Reggio*, St. *Severina*, and *Otranto* were under the *Conſtantinopolitan* See, when *Bari* being retaken from the *Longobards* and *Saracens*, at laſt came under the Dominion of the *Greeks*.

THE City of *Canoſa*, when it was in its flouriſhing State, vied with *Bari* with regard to its Biſhops; for it likewiſe had its ancient Biſhops, of whom *Beatillus* made a long Liſt, beginning from the Year 347, down to the Year 800, in which he ſays, that *Peter*, a *Longobard*, and Kinſman of *Grimoaldus* Prince of *Benevento*, was elected Biſhop of *Canoſa*, whom he takes to have been the laſt; for he adds, that his See was afterwards in the Year 818 advanc'd to be a Metropolis, ſo that he was the laſt Biſhop, and the firſt Archbiſhop of *Canoſa*; and it could not be ſaid that he had been rais'd to this Rank by the Pope, which would make it to be an elder Archbiſhoprick than *Capua*, which all our moſt exact Writers allow to be the moſt ancient; whence we muſt believe, that the Biſhop of *Canoſa* was at that Time made Archbiſhop by the Patriarch of *Conſtantinople*, and not by the Pope. However that may be, *Canoſa* being afterwards ruin'd by the *Saracens*, theſe two Archbiſhopricks were united into one, and the Church of *Canoſa* was annex'd to that of *Bari*; and *Angelarius*, who ſucceeded *Peter*, was the firſt, that in the Year 845 call'd himſelf Archbiſhop of *Bari* and *Canoſa*, which all his Succeſſors have done ſince. Theſe Churches being afterwards taken from the *Conſtantinopolitan* See, and by the *Normans* reſtor'd to the *Roman*, the Popes allowing them the ſame Dignity, began to diſpoſe of them as their own, by giving the Archbiſhops of *Bari* the Uſe of the *Pallium*, which they had not formerly; and *Gregory* VII, at the Deſire of Duke *Robert*, in the Year 1078, created *Urſus* a Creature of that Prince Archbiſhop of *Bari*, and afterwards in the Year 1089, *Urban* II. having gone from *Melphis*, where he held a Council, to *Bari*, at the Deſire of Duke *Roger* and *Boemondus* his Brother, granted and confirm'd to *Elias* then Archbiſhop of *Bari*, his good Friend, having been Monks together in the Monaſtery of the Trinity of *Cava*, and to his Succeſſors, the Dioceſſes of *Trani*, *Bitetto*, *Bitonto*, *Giovenazzo*, *Molfetta*, *Ruvo*, *Andria*, *Canne*, *Minervino*, *Lavello*, *Rapolla*, *Melphis*, *Salpi*, *Converſano*, *Polignano*, and beyond Sea, *Cattaro*, *Mondugno*, *Aquatetta*, *Montemiloro*, *Biſelpi*, *Ciſterna*, with all the other Churches of the Cities and Towns belonging to theſe Dioceſſes for his Suffragans, for which he made a Bull, which we read in *Ughellus*, and it is alſo recorded by *Beatillus*.

BUT many of theſe Suffragans aſſign'd to *Bari*, in proceſs of Time were taken from it, ſome being put immediately under the *Roman* See, others ſuppreſs'd, and others given to *Trani*, which was afterwards rais'd to be a Metropolis. The Archbiſhop of *Trani* is the moſt ancient of the Modern, for we read many Letters of *Innocent* IV. directed to him; but his Inſtitution muſt not be carried ſo far back as the Pontificate of *Urban* II. in which he was but a ſimple Biſhop. So that *Beatillus* is miſtaken [1], when he infers from this Bull of *Urban*, that becauſe *Trani* was reckon'd amongſt the other Churches aſſign'd as Suffragans to the Archbiſhop of *Bari*, therefore he had likewiſe created him Primate of *Puglia*, juſt ſo as the ſame *Urban* created the Archbiſhop of *Salerno* Primate of *Lucania*, and as he had rais'd the Archbiſhops of *Toledo* and *Tarragona* in *Spain*, to the Rank and Dignity of Primates; for in the Pontificate of *Urban* II. it had not as yet been made a Metropolis, which Honour it had about the Time of *Innocent* III. or a little before, and afterwards the City of *Barletta*, which is ſubject to the Archbiſhoprick of *Trani*, and not to that of *Nazareno*; *Corato* and *Caſtello della Trinita* were aſſign'd to it. The Church of *Salpi* was afterwards united to this Metropolis, which for a long Time had its own Biſhops, but in the Year 1547. it was re-united to that of *Trani*, as it continues to this Day. It has now the Biſhops of *Andria* and *Biſceglia* for Suffragans; as for the Biſhop of *Monopolis*, he is immediately under the See of *Rome*.

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[1] Beatil. Iſtoria di Bari, lib. 2.

THERE were taken alſo from the Metropolitan of *Bari*, the Biſhop of *Melphis*, who was ſubjected to the Pope immediately, and the Biſhop of *Canne*, who being taken from this See, was aſſign'd to the Archbiſhop of *Nazareth*. He has ſtill remaining the Biſhops of *Bitetto*, *Bitonto*, *Converſano*, *Giovanezzo*, *Lavello*, *Minervino*, *Polignano*, and *Ruvo* for Suffragans; and, which is ſtrange, he has likewiſe for Suffragan the Biſhop of *Cattaro*, a City of *Dalmatia*, ſubject to the *Venetians*, and formerly Suffragan to the Archbiſhoprick of *Raguſa*, afterwards to that of *Antivari*, and laſtly to that of *Bari* [1]. But however, tho' the Biſhop be his Suffragan, yet a great Part of the Dioceſs is now poſſeſs'd by the *Turks*, and the remaining Part retains as yet the *Greek* Schiſmatical Rites, and with them a great many Errors; they deny the Primacy of the Pope, Purgatory, the Proceſſion of the Holy Ghoſt from the Father and the Son; and they buy Holy Orders from the Biſhop of *Raſcia*. The Archbiſhop of *Bari* retains likewiſe the Juriſdiction of judging Appeals from the Courts of *Molfetta*, *Canoſa*, *Terlizzo*, and *Rutigliano*.

PUGLIA is alſo remarkable for another Archbiſhop, who, tho' he reſides in the City of *Barletta*, yet he preſerves the ancient Name of his firſt See, which is that of *Nazareth*, a City in *Galilee*, ſo famous in the World for the Birth of our Redeemer, who call'd himſelf of *Nazareth*. After that *Jeruſalem* had been ſet at Liberty by the illuſtrious *Godfrey*, fortunate likewiſe in having his noble Actions recorded in ſo lofty a Strain, after ſo many Ages, by *Torquatus Taſſo*; the *Latins* made *Nazareth* a Metropolis; but *Paleſtine* being retaken from them in the 1190, and again ſubjected to the Dominion of the *Turks*, this famous City came under their Thraldom, and her Biſhop being left to ſhift for himſelf, and a Fugitive, found no Shelter till he came to *Puglia*; where being kindly receiv'd by the Pope, who, in order to preſerve the Memory and Title of ſo worthy a Prelate, was pleas'd to appoint him an honorary See in *Italy*, and ordain'd his Reſidence to be in *Barletta*, a City in the Dioceſs of *Trani*. There was a Church aſſign'd him not far from the Walls of this City, with all its Rights, and the Dignity of Metropolitan; and not long after many Pariſh Churches were ſubjected to him. Two Cathedral Churches were very ſoon aſſign'd to his See, to wit, that of *Monteverde* in the Year 1434 by *Clement* VII. and that of *Canne* in the Year 1455 by *Calliſtus* III. The firſt Church aſſign'd him being ruin'd by the Wars in the Year 1566, by the Authority of *Pius* V. the See was tranſlated within the City to the Church of the Abbey of St. *Bartholomew*. The Archbiſhop *Bernard* rebuilt it from the Foundation, and magnificently inlarg'd and adorn'd it. This Archbiſhop has his Dioceſs divided into different Places; he has Churches ſubject to him in *Bari*, in *Acerenza*, in *Potenza*, in the Town of *Vadula* of the Dioceſs of *Capaccio*, in *Saponara* of the Dioceſs of *Marſico*, and in other Places, and enjoys many Benefices call'd *Simple*. He is titled Archbiſhop of *Nazareth*, and Biſhop of *Canne* and *Monteverde* by a ſpecial Grant given him by *Clement* IV. and confirm'd to him afterwards by *Innocent* VIII. *Clement* VII. and *Pius* V. *Roman* Pontiffs. He has a ſingular Prerogative of carrying the Croſs, the *Pallium*, and the Rochet, not only in *Barletta* and the other Churches of his Dioceſs, but over all the Catholick World; neither can the other Archbiſhops diſpute it with him under any pretence of Apoſtolical Conceſſion. He is ſubject to none but the Pope, and exerciſes in his Church and Dioceſs, all Juriſdiction that other Archbiſhops do in their Churches.

CALABRIA.

THE moſt conſpicuous Metropolis of *Calabria* under the *Greeks* was the Church of *Reggio*. The Patriarchs of *Conſtantinople* had ſubjected it to their See, and as we have ſeen in the ſixth Book of this Hiſtory, had aſſign'd it thirteen Suffragan Biſhops, to wit, the Biſhops of *Bova*, *Tauriana*, *Locri*, *Roſſano*, *Squillace*, *Tropeja*, *Amantea*, *Crotone*, *Coſenza*, *Nicotera*, *Biſignano*, *Nicaſtro*, and *Caſſano*. This Metropolis being afterwards reſtor'd to the See of *Rome* by the *Normans*, retain'd the ſame Dignity: So that in the old Charters made in the Time of theſe *Normans*, and eſpecially by Duke *Roger* about the Year 1086, they were always call'd Archbiſhops; and *Gregory* VII. about the Year 1081, conſecrated Archbiſhop *Arnulphus*, to whom Duke *Robert* made profuſe Donations, by inriching his Church with many Poſſeſſions. In proceſs of Time he loſt ſome of theſe his Suffragan Biſhops.

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[1] Bulla Urbani II. apud Ughel. Simul & Catara, quæ intranſmarini littoris ora ſita eſſe cognoſcitur.

THE Biſhop of *Roſſano* after theſe Churches were reſtor'd to the See of *Rome* was made a Metropolitan; and in the Time of *Roger* I. King of *Sicily*, or a little before, *Roſſano* was made an Archiepiſcopal See: So that amongſt the Records which we have left us of Pope *Innocent* III. and of the Emperor *Frederick* II. there's frequent mention made of the Archbiſhops of *Roſſano*. This Church was the moſt wedded to the *Greek* Rites; and tho' ſhe had been reſtor'd to the *Roman* See, yet ſhe never would forſake them, inſomuch that the Citizens would not ſurrender to Duke *Roger*, until he had condeſcended that they ſhould have a Biſhop of the *Greek* Church; for this Prince had nam'd another of the *Latin* Church, to have ſucceeded a *Greek* Biſhop that had died, whereupon he allow'd them to have a *Greek* one [1]. There were ſeven Monaſteries of the Order of St. *Baſil* in *Roſſano*, ſo that the *Greek* Language and Rites were the more eaſily preſerv'd in it. The Archbiſhop got likewiſe ſome Churches for Suffragans; but they were afterwards all withdrawn, for ſome of them became immediately ſubject to the See of *Rome*, and the Biſhop of *Cariati*, which was the only one remaining, was afterwards ſubjected to the Metropolitan of St. *Severina*, ſo that now neither *Roſſano* nor *Lanciano* have any Suffragans.

THE Biſhoprick of *Coſenza* was likewiſe disjoin'd from the Metropolitan of *Reggio*, and ſubjected to the Metropolitan of *Salerno*; but *Coſenza*, as we have ſaid, was alſo rais'd to be a Metropolitan. The reſt were partly ſuppreſs'd, ſuch as that of *Tauriana*, now deſtroy'd, in whoſe Place *Seminara* has ſucceeded, the reſt were ſubjected to other Metropolitans; and now there remain to him the Biſhops of *Bova*, *Caſſano*, *Catanzaro*, *Crotone*, *Gerace*, *Nicaſtro*, *Nicotera*, *Oppido*, *Squillace*, and *Tropeja*.

THE Metropolitan of St. *Severina* ſubject to the See of *Conſtantinople*, being reſtor'd to that of *Rome*, retain'd alſo the ſame Prerogative, and in the Charters dated in the Time of *Roger* Duke of *Calabria*, there's mention made of the Archbiſhops of this City. He had five Suffragan Biſhops given him by the Patriarch of *Conſtantinople*; but the Biſhop of *Acerenza* was afterwards made a Metropolitan, and the other of *Gallipoli* was ſubjected to the Metropolitan of *Otranto*, and ſome were ſuppreſs'd; but others being erected in their Room, the Metropolitan of St. *Severina* has now for Suffragans, the Biſhops of *Cariati*, *Umbriatico*, *Strongoli*, *Iſola*, and *Belcaſtro*. He likewiſe had the Biſhop of St. *Leo*, but he was afterwards ſuppreſs'd, and his Revenues were annex'd to the Metropolis; he had alſo the Biſhops of *Melito* and St. *Mark*, but theſe were disjoin'd and put immediately under *Rome*.

OTRANTO.

BY the Diſpoſition of the Sees, ſubject to the Patriarch of *Conſtantinople*, made by the Emperor *Leo*, there's no Suffragan aſſign'd to the Metropolitan of *Otranto*; but afterwards *Nicephorus Phocas*, as *Luitprandus* [2] Biſhop of *Cremona* teſtifies, about the Year 968, when *Polieutus* was Patriarch of *Conſtantinople*, inlarg'd the Province of this Metropolitan, and gave him for Suffragans, the Churches of *Turcico*, *Acerentilla*, *Gravina*, *Matera* and *Tricarico*, ordering the Patriarch *Polieutus* to conſecrate their Biſhops. But this Order had little Effect; and the Metropolitan of *Otranto* being reſtor'd to the See of *Rome* by the *Normans*, had other Biſhops aſſign'd him for Suffragans, and the ſame Prerogative was continu'd with this Church, for we read, that in the Aſſembly held in the Year 1068, by *Alexander* II. in *Salerno*, *Hugh*, Archbiſhop of *Otranto* was preſent. The Popes afterwards aſſign'd him other Suffragans, which he retains to this Day, to wit, the Biſhops of *Lecce*, *Aleſſano*, *Caſtro*, *Gallipoli* and *Ugento*.

BRINDISI and *Taranto* being reſtor'd to the *Greek* Empire by *Lupus Protoſpata* the *Catapanus*, about the Year 980, according to the *Arichmandrite Nilo*, *a Conſtantinopolitano Sacerdotes accipiebat*. But *Robert Guiſcard* Duke of the *Normans*, having taken *Brindiſi* from the *Greeks*, reſtor'd its Church to the See of *Rome*. It was acknowledg'd as an Archiepiſcopal See by *Urban* II. who conſecrated it in the Year 1088, and the Biſhop of *Oſtuni* was made *Suffragan* to it: It was once annex'd to the Church of *Oria*, ſo that the Archbiſhops had the Title both of ***Brindiſi*** and *Oria*; but theſe Churches were afterwards divided, and that of *Oria* was made Suffragan to the Metropolitan of *Taranto*, and ***Brindiſi*** kept only that of *Oſtuni*.

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[1] V Ughel. Ital. Sacra, de Archiep. Roſſan.

[2] Luitprand. Nicephorus, cum in omnibus Eccl. homo ſit impius, livore quo in nos abundat, Conſtantinopolitano Patriarchæ præcepit, ut Hydruntinam Eccleſiam in Archiepiſcopatus honorem dilatet; nec permittat in omni Apulia, ſeu Calabria, Latine amplius, ſed Græce divina myſteria celebrari. Scripſit itaque Polyeuctus Conſtantinopolitanus Patriarcha Hydruntino Epiſcopo, quatenus ſua auctoritate habeat licentiam Epiſcopos conſecrandi in Acerentilla, Turcico, Gravina, Matera, Tricarico, qui ad conſecrationem Domini Apoſtolici pertinere videntur.

TARANTO being reſtor'd by the *Normans* to the See of *Rome*, was made a Metropolis by the Popes, about the Year 1100, and the Biſhops of *Mottula* and *Caſtellaneta* were given it as Suffragans, to which the Biſhop of *Oria* was afterwards added.

The Dukedoms of *NAPLES* and *GAETA*.

THE Church of *Naples*, as we have ſeen in the ſixth Book of this Hiſtory, was not advanc'd to be a Metropolis by the *Greeks*, but the Patriarchs of *Conſtantinople* honour'd her Biſhop with the Title of Archbiſhop only; ſo that he had the chief Honours and Pre-eminency over all the Biſhops of this Dukedom. She was raiſ'd to the Rank of Metropolis by the Popes, towards the End of this Tenth Century, at the ſame Time that *Capua*, *Benevento*, *Salerno*, *Amalphis*, and many other Churches were exalted to this Dignity by the Popes. And though *Naples* was ſtill under the *Greek* Empire, yet neither the Emperors of the Eaſt, nor the Patriarchs of *Conſtantinople* could hinder the Popes from raiſing her to this Dignity. The Popes were always tenacious of their Authority over this Church, and they very much blam'd her Biſhops for taking the Honour of Archbiſhops from the Patriarch of the Eaſt. But the Power of the Popes became much greater, when the Dukedom of *Naples*, reduc'd into the Form of a Commonwealth, was govern'd by Dukes, the Eaſtern Emperors having nothing but the Shadow of Authority there.

BUT by what Pope, *Naples* was made a Metropolis, and in what Year, Opinions are very different. *P. Caracciolus* [1], from the Authority of *John the Monk*, maintains, that it was made a Metropolis by *John* IX. about the Year 904. But from the Liſt of Biſhops, compoſ'd by *Chioccarelli*, which he brings down to *Nicetas*, who govern'd this Church from the Year 962 to 1000; and from what we have hitherto ſeen, this Advancement ought not to be attributed to *John* IX. in this Year, but to *John* XIII. at the ſame time that *Capua*, *Benevento* and *Amalphis* were made Metropolis's, which *Chioccarelli* [2] well demonſtrates, by ſhewing us, that from *Nicetas*, all his Succeſſors began to be call'd Archbiſhops. The Church of *Naples* had once for Suffragans, the Biſhops of *Cuma* and *Miſeno*; but theſe Cities being ruin'd in the Year 1207, their Churches and Revenues were annex'd to the Church of *Naples*. The Biſhop of *Averſa*, built by the *Normans*, was Suffragan to the Church of *Naples*, but afterwards, he was ſubjected to the Pope immediately. She retains now only the Biſhops of *Acerra*, *Pozzuolo* and *Iſchia*, to whom afterwards the Biſhop of *Nola* was added, who being taken from the Archbiſhop of *Salerno*, whoſe Suffragan he formerly was, a little before the Pontificate of *Alexander* III. was ſubjected to *Naples*. Theſe few Biſhops were aſſign'd to *Naples*; and it will appear very ſtrange, to any that conſiders the preſent State of Affairs, how *Benevento*, *Salerno*, *Capua* and many other inferior Cities, have ſo many Suffragan Biſhops, and *Naples*, the Head of a moſt flouriſhing Kingdom, has ſo few; but whoever will call to mind the by-paſt Ages, and conſider how much the Confines of the Dukedom of *Naples* were reſtricted, when this City was made a Metropolis, and on the contrary how much more the Principalities of *Benevento*, *Salerno*, and *Capua*, and the other Dukedoms and Provinces, ſubject to the *Greek* Empire, were extended, will ceaſe to wonder. And if this City, when it was made a Metropolis, had ſo confin'd a Dukedom, and conſequently ſo few Suffragans, yet in proceſs of Time, by good Conduct, it was raiſ'd to ſo exalted a State, that it alone could vie with the moſt ample and moſt populous Provinces of the Kingdom.

GAETA likewiſe ſubject to the *Greek* Empire, becauſe of its being claim'd by the Popes, and too near to *Rome*, when it was taken from the *Greeks* by the *Normans*, was neither given as Suffragan to any neighbouring Metropolitan, nor made a Metropolis, becauſe its ſmall and narrow Dukedom would not bear it; ſo that its Biſhop was ſubjected to the Apoſtolick See immediately, as it continues to this Day.

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[1] P. Carac. de Sacr. Eccl. Neap. Monum. c. 1. Sect. 10.

[2] Chioc. de Epiſc. Neap. A. 962.

The Dukedoms of *AMALPHIS* and *SORRENTO*.

AMALPHIS in theſe Times, deſerv'd no leſs than *Naples* to be exalted to a Metropolis; it had made itſelf famous in the Eaſt, on account of its Navigation, and become the moſt rich and populous of all the other Cities; not only the *Greeks*, *Arabs* and *Africans*, but even the *Indians* flock'd to it, becauſe of its Commerce; and *Gulielmus Puglienſis* [1] in his Verſes, extols it on that Head, above all the Cities of theſe our Provinces. This City had its Biſhops from its Foundation, and in the Time of *Gregory the Great*, *Primerius* was Biſhop of it, neither is he reckon'd the Firſt. The Church of *Rome* was much beholden to it, as well for the many Churches which the *Amalphitans* erected in the Eaſt, where they maintain'd the *Latin* Rites, as for having been the firſt who founded the renown'd and military Order of St. *John* of *Jeruſalem* in *Paleſtine*. Therefore the Popes were in Duty bound, when they were exalting ſo many Churches to be Metropolis's, to confer that Honour on *Amalphis*, which tho' by antient Subjection, it depended on the *Greek* Empire, nevertheleſs, being rais'd to this ſublime State, and govern'd by its own Dukes in the Form of a Republick, the *Greeks* had only the Image and Shadow of Sovereignty left them in it. Whilſt then this Dukedom was govern'd by Duke *Manſo*, the ſame who for ſome Time poſſeſs'd the Principality of *Salerno*, at the Requeſt of this Duke, the Clergy, and People of *Amalphis*, its Biſhop was advanc'd to a Metropolitan by *Gregory* XV. in the Year 987, and the Biſhops of the Dukedom were aſſign'd him for Suffragans; for what *Freccia* writes, that *Amalphis* was made a Metropolis in the Year 904, by Pope *Sergius* III. has no Foundation, and is commonly rejected by every Body. His Suffragans are the Biſhops of *Scala*, *Minori*, *Lettere* and of the Iſland of *Caprea*, which he retains to this Day.

SORRENTO had likewiſe its antient Biſhops, and being in theſe Times Head of a ſmall Dukedom, was likewiſe exalted to a Metropolis. *Marinus Freccia* makes *Sergius* III. alſo Author of this Inſtitution, in the ſame Year with *Amalphis*; but 'tis generally believ'd, that this Church was made a Metropolis by *John* XIII. in the Year 968. after *Capua*; and that *Leopardus* the laſt Biſhop, had this Honour. Her Suffragans are the Biſhops of *Stabia*, which we now call *Caſtellamare*, and *Maſſa Lubrenſe*, to which afterwards the Biſhop of *Vico Equenſe* was added.

SUCH was the Diſpoſition of the Churches of theſe our Provinces, begun about the End of the Tenth Century, and afterwards compleated in the beginning of the Dominion of the *Normans*; which as it altogether reſembles the preſent, ſo it is no ways conformable to the Diſpoſition and temporal Polity of our Provinces, becauſe when the new Diſpoſition of the Provinces of this Kingdom was made, which were afterwards augmented to Twelve, as we now ſee them, the Metropolis's had been already fix'd, which keeping Pace with the Polity of the Empire, took that Form and Diſpoſition which the States were found to be in, when, and where they were eſtabliſh'd; and tho' many Cities chang'd their Condition, and from great became ſmall, or from ſmall great, yet the Popes would never alter the Diſpoſition of the Metropolis's already eſtabliſh'd, as well out of regard to Antiquity, as for avoiding Novelty, which often occaſions Diſorders. However, if they fill'd the Kingdom with more Biſhops, by erecting many Churches into Cathedrals, which formerly were not ſuch, for Reaſons that we ſhall relate elſewhere, yet they did not alter the Diſpoſition of the Metropolitans. Beſides, as we ſhall ſhew in its Place, the new Diſtribution of the Provinces into Twelve, was chiefly deſign'd for the better Diſtribution of the Royal Revenues, and the Number was multiplied by the Officers appointed for collecting them, call'd *Treaſurers*. So that at the ſame Time the Number of Governors, or Juſtices, was much leſs than that of *Treaſurers*, and in later Times they were made equal; and the Places appointed for their Reſidence were always changeable, according as the Occaſions of the Royal Exchequer, or the publick Good requir'd: Whence this new Diſpoſition made no manner of Alteration in the Polity of the Eccleſiaſtical State.

IN this State of Affairs did the *Normans* find theſe our Provinces, when they came to us. They were put into another Form, when they came under their Dominion, and when all thoſe States, which had been divided into ſo many Parts, came to be united in one ſingle Perſon, a very large Kingdom, and a noble Monarchy was eſtabliſh'd.

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[1] Gul. Appul. lib. 3. Rer. Norman.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK IX.

THE *Normans*, which Word in our Language ſignifies Northern People [1], came likewiſe from *Scandinavia*, as the *Goths* and *Longobards* had done; they were not known in the Weſt, till about the End of the Eighth Century, when they landed on the Sea Coaſt of *France*, in the Time of *Charles the Great*; and about Forty Years after, they began to infeſt thoſe Places, now call'd *Utrecht*, *Holland* and *Walkeren*. The Kings of *France*, in order to put a Stop to them, were oblig'd, by Agreement, in the Year 882, to give them *Frizland* for a Habitation [2]. But they, not ſatisfied with this Province, began to plunder, burn and deſtroy all the Neighbourhood round them, under *Rollo* their Head, a famous and bold Pirate, at the ſame time that the *Saracens*, with no leſs Cruelty, over-ran our Part of *Italy* on this Side of the *Tiber*. They beſieg'd *Paris*, invaded *Aquitaine*, and other Parts of that Kingdom in the Reign of *Charles the Simple*; ſo that this Prince not being able to withſtand them, reſolv'd to make them Friends, and Confederates; whereupon it was agreed, that *Charles* ſhould aſſign them *Neuſtria*, one of the Provinces of *France*, for their Place of Reſidence, and give *Giſla* his Daughter, as *Dudo* of Saint *Quintine* writes [1], or his Kinſwoman, as *Pellegrinus* [2] hath it, to *Rollo* in Marriage, and that *Rollo*, forſaking Idolatry and Gentiliſm, ſhould embrace the Chriſtian Religion. This Agreement was executed about the Year 900 [3]: *Neuſtria*, with the Title of Duke, was given to *Rollo* for ever, who married *Giſla*, and at the ſame time receiv'd Baptiſm, *Robert* Count of *Poitiers* ſtanding Godfather, from whom he took the Name of *Robert*; and the other *Normans*, following the Example of their Commander in Chief, became more humane and civiliz'd. The *Normans*, from their own Name, call'd *Neuſtria*, *Normandy*, which Name it retains to this Day.

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[1] Gaufredus Malaterra lib. 1. c. 3. in tom. 3. Hiſp. illuſt. Gulielmus Puglieſis lib. 2. de geſt. Norm. in Ital. in princ. Guilielmus Gemmeticenſis lib. 2. hiſt. Norim. cap. 4. Norimanni dicuntur, quia lingua eorum Boreas, *North* vocatur: homo vero, *Man*, id eſt homines Boreales per denominationem nuncupantur.

[2] Grot. in Prolegom. ad hiſt. Got.

THIS *Robert*, firſt Duke of *Normandy*, had a Son nam'd *William*, whom he made Count of *Hauteville*, a City of the ſame Province. *William*, begot *Richard*, who was Father of another *Richard*, and this ſecond *Richard* begot *Robert* II. and another *Richard*, whom we ſhall call III. And *Robert* II. was Father of *William* II. who 'tis commonly ſaid, was the Father of *Tancred* Count of *Hauteville*, from whoſe Loins came thoſe Heroes, who for a long Time govern'd theſe our Provinces [4].

TANCRED, by two Wives, had Twelve Sons, and ſeveral Daughters, one of which was nam'd *Fredeſinna*, who was the Wife of *Richard* Count of *Averſa*, and Prince of *Capua*; another was given to *Gaufred* Count of *Monteſcaglioſo*, and another to *Volmandus* [5]. The Sons he had by his firſt Wife, nam'd *Moriella*, were *William* ſurnam'd *Fierabras*, *Drago*, *Umfred*, (who, as we ſhall ſhew, were the Three firſt Counts of *Puglia*) *Godfrey* and *Serlo*. The other Seven were by *Fredeſinna* his ſecond Wife, the Eldeſt of whom was *Robert*, ſurnam'd *Guiſcard*, which in the antient *Norman* Language, is the ſame as crafty and ſubtle; he came to be Duke of *Puglia* and *Calabria*; the ſecond was *Malgerius*; the third, *William*; the fourth, *Alvered*; the fifth, *Umbert*; the ſixth, *Tancred*, and the ſeventh and laſt, was *Roger*, who conquer'd *Sicily*, and eſtabliſhed the Monarchy [6].

HOWEVER, theſe were not the firſt that came to *Italy*; for, as we ſhall ſee, ſome *Normans* had a little before ſettled in *Averſa*, ſo that we muſt carefully diſtinguiſh them from one another, that we may not confound the Reader, as other Writers have done. The firſt of them came about the Year 1016. The Sons of *Tancred* landed in *Italy* about the Year 1035; but not all of them, for Two ſtay'd in *Normandy*; neither did all the reſt come together, but as fit Opportunities offered; ſometimes Two, ſometimes Three, ſet out for theſe our Provinces; neither did the firſt come in greater Numbers, as we ſhall ſee [7].

EVERY Body reading the Adventures of theſe People, muſt be ſurpriz'd, how a few Men come from *France*, through a Thouſand Diſaſters, were able to make themſelves Maſters of one of the moſt delightful Countries in the World; how one ſingle Family of *Norman* Gentlemen, aſſiſted only with a handful of their Countrymen, could eſtabliſh a Monarchy on the Confines of the Empires of the Eaſt and Weſt, gain ſo many and ſo wonderful Victories over Two powerful Enemies; free *Italy* and *Sicily* from the Incurſions and Yoke of the Infidel *Saracens*, which greater Powers were never able to atchieve; and after having overthrown the *Greeks* and the *Longobard* Princes, lay the Foundation of the fine Kingdoms of *Naples* and *Sicily*. Certainly no other Nation, excepting the *Romans*, were ever ſo ſucceſsful as from ſo mean Beginnings, to arrive at ſo great Power. The other Nations, ſuch as the *Goths* and *Longobards*, as we have ſeen, came not to *Italy* like Strangers and Travellers, but with very numerous Armies, which over-run our Country, and ſettled a Kingdom.

ON the other hand, if we will but conſider the unhappy State to which theſe our Provinces were reduc'd, being divided, and ſubject to ſo many Princes; and the extraordinary Valour and Courage of this Nation, we ſhall ceaſe to wonder at their fortunate Succeſs. Add to this, that the Manner of waging War us'd in thoſe

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[1] Lib. 2. hiſt. Norim.

[2] In hiſt. Long. in Stemmate.

[3] Grot. in Prolegom. loc. cit.

[4] V. Invenges in the beginning of the Annali di Palermo, in which he has the Tree of the Dukes of Normandy.

[5] Pelegr. in Stemmate.

[6] Malater. lib. 1. cap. 4. V. Du Freſne in Stem. Ducum Apuliæ ad hiſt. Comnen.

[7] Malat. lib. 1. cap. 9, 11, 19, 38. Oſt. lib. 2. cap. 67.

Times, was not the ſame as is practis'd now adays: There was at that Time ſcarce any regular Method of attacking and defending. A whole Army was ſometimes routed, without knowing how, or by what Means; and the whole of the Matter conſiſted, either in the Strength of Body, which was incomparably greater than that of Men now adays, becauſe they practis'd thoſe Exerciſes more frequently that conduce to the acquiring of it; or in an exceeding great Courage, which imbolden'd the Combatants to do Wonders; or laſtly in ſome preſumptuous Undertakings, which nothing but the Event could juſtify.

TO theſe three Cauſes were owing thoſe glorious Actions of the *Normans*, no ways inferior to thoſe of the *Romans*, we ſo much admire. They turn'd *France* up-ſide down, and conquer'd many Provinces of it. *William* the *Norman*, deſcended of the ſame Dukes of *Neuſtria*, conquer'd the moſt flouriſhing Kingdom of *England*, and tranſmitted it to his Poſterity. Our *Puglia*, *Calabria* and *Sicily*, the famous *Jeruſalem*, the renown'd *Antioch*, were all under their Dominion [1].

WE are now to ſhew what Motives the People of this Nation had, for coming into theſe our Provinces ſo remote from them, and how, after various Fortune, they made themſelves Maſters of them; for we cannot otherwiſe clearly conceive, how ſo many, and ſo divided States, could at laſt be united in a noble Kingdom, under the Dominion of one ſingle Perſon, which the *Normans* govern'd by ſo good Laws and Inſtitutes, as to tranſmit it to their Poſterity, till after a Series of many Years, for want of Male-Iſſue, it fell to the *Suevi*, by a Princeſs of the *Norman* Blood. The Riſe of our Papal Inveſtiture, and how afterwards this Kingdom came to be reputed a Fief of the Church of *Rome*, could not well be underſtood, if theſe Events ſhould not be related with Exactneſs; in doing of which we ſhall make a Diſcovery of many Truths, which Writers, ſome out of Sloth, many of ſet Purpoſe, have kept in the Dark.

IN relating the Adventures, and all the other Succeſſes of this Nation; I have laid ſtreſs only on Cotemporary Hiſtorians, and thoſe who have moſt exactly given us an Account of their Actions, whoſe Teſtimonies cannot be ſuſpected. The moſt Grave and Antient among the *Latins*, ſhall be *Gulielmus Puglienſis*, *Malaterra*, *Leo Oſtienſis*, *Amatus*, a Monk of *Caſſino*, *Ordericus Vitalis*, *Lupus Protoſpata*, the anonymous *Caſſinenſis*, *Petrus Diaconus*, and *Gulielmus Gemmeticenſis*. And among the *Greeks*, the Princeſs *Anna Commena*, *Joannes Cinnamus*, *Cedrenus*, *Zonaras*, and other Collectors of the *Bizantine* Hiſtory, which *Charles du Freſne* hath illuſtrated with Notes.

GULIELMUS Puglienſis relates in *Latin* Verſe, though not very Elegant, but very good for the Style of the Age in which he liv'd, the Actions and warlike Feats of the *Normans* in *Calabria*. He writes not in a poetical Strain, but like an Hiſtorian, who reſolv'd to give a faithful and diſtinct Relation in Numbers and Metre. His Account reaches to the Death of the famous *Robert Guiſcard*, which happen'd about the Year 1085; he publiſh'd it at the Deſire of Pope *Urban* II. who was advanc'd to the Pontificate in the Year 1088, and dedicated it to *Roger*, the Son and Succeſſor of *Robert Guiſcard*. This ſmall hiſtorical Poem in Manuſcript, was found by *Joannes Tirenceus Hauteneus*, Advocate Fiſcal of the Province of *Rouen*, in the Library of the Monaſtery of *Becobelvine* near to *Straſburg*.

MALATERRA is an Author that deſerves more Credit: He wrote a very long Hiſtory in Proſe, of the Conqueſts made by the *Normans* in *Italy*, by Order of *Roger* Count of *Sicily* and *Calabria*, who was Brother to *Robert Guiſcard*. This Work having been a long Time buried in Oblivion, the Manuſcript of it was found in *Saragoſa*, among the Hiſtories of the Kings of *Aragon* in the Year 1579 by *Geronimus Zurita*, who publiſh'd it; and *Baronius* mentions the finding of this as a real Treaſure; ſo that they who have wrote the Hiſtory of *Sicily*, for not having read this Author, have committed a Thouſand Blunders.

LEO Biſhop of *Oſtia*, is an Author well known, and is in every Body's Hands; being a Monk of *Monte Caſſino*, he wrote the Chronicle of that Monaſtery, a little after the Time we are about to diſcourſe of; and tho' his Buſineſs was to ſhew to the World, the Sanctity and Grandeur of that Monaſtery, nevertheleſs he affords great Light for underſtanding the Affairs of the *Normans*, in whoſe Kingdom he wrote.

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[1] Roger. Hovenden. apud Grot. in Prolegom. Audax Francia Norimannorum militiam experta delituit. Ferox Anglia captiva ſuccubuit. Dives Apulia refloruit. Hieroſolyma famoſa, & inſignis Antiochia ſe utraque ſuppoſuit.

AMATUS, a Monk of *Caſſino*, flouriſh'd about the ſame Time; he was alſo made a Biſhop afterwards, though 'tis not known what Biſhoprick he got. *Petrus Diaconus*[1] numbers this *Amatus* amongſt the famous Men of *Caſſino*, and ſays he was moſt knowing in the Holy Scriptures, and an admirable Poet. Among his other Works, which he compos'd, that *de Geſtis Apoſtolorum Petri & Pauli*, was dedicated to Pope *Gregory* VII. and the Hiſtory of the *Normans*[2], divided into Eight Books, was dedicated to *Deſiderius*, that famous Abbot of *Monte Caſſino*, who was afterwards Pope by the Name of *Victor* III. This Hiſtory of the *Normans*, written by *Amatus*, for what we know, was never publiſh'd in Print. *Joannes Baptiſta Marus*, in his Annotations on *Petrus Diaconus*, relates, that in his Time this Hiſtory was preſerv'd in Manuſcript in the Library of *Caſſino*, wherein many Things worth knowing, concerning the Actions and Cuſtoms of the *Normans*, were moſt accurately deſcrib'd. But the Abbot of *Noce* laments this Loſs, and in his Notes on the Chronicle of *Caſſino*[3] relates, that it had been taken out of that Library, with many other Things worthy of eternal Memory. This Author liv'd about the Year 1070, when, according to the Taſte of that Age, Learning was, for the moſt part, confin'd to the Monaſteries. There flouriſh'd many others, ſuch as *Albericus*, *Conſtantinus*, *Guaiferius*, *Alphanus*, who was afterwards Archbiſhop of *Salerno*, and others that may be ſeen in *Petrus Diaconus*.

LUPUS Protoſpata, the anonymous *Caſſinenſis*, and *Petrus Diaconus* himſelf, wrote likewiſe ſomething concerning the *Normans*; but *Ordoricus Vitalis*, and *Gulielmus Gemmeticenſis* much more diffuſely, beſides a great many modern Writers, who are well known to every Body.

PRINCESS *Anna Comnena*, made herſelf famous in the World, as well for her Judgment and Erudition, as her Quality and Birth: She was Daughter of *Alexius Comnenus*, Emperor of *Conſtantinople* and of *Irene*. *Zonaras* and *Nicetas* aſſure us, that this Princeſs was a great Lover of Learning, and that ſhe ſpent moſt of her Time in reading. She not only apply'd herſelf to Hiſtory and polite Learning, but likewiſe to Philoſophy. She wrote the Hiſtory of *Alexius Comnenus* her Father, againſt whom our *Robert Guiſcard* made a moſt cruel War, which was partly the Subject of her Hiſtory; and tho' ſome times, according to the Cuſtom of her Nation, ſhe fail'd in relating the Truth exactly, nevertheleſs ſhe ought to be credited, when ſhe ſpeaks in Commendation of *Robert Guiſcard*, whom ſhe very much hated, as being a bitter Enemy to her Father. In the Preface to her Hiſtory, ſhe promiſes to ſay nothing that might make her be accus'd of Complaiſance or Flattery, or that was not conſonant with Truth; yet we ſee, that what ſhe writes of her Father is a continu'd Panegyrick. The *Latin* Authors are not of the ſame Opinion, for they repreſent *Alexius* as a deceitful, diſſembling Prince, whoſe Reign was more remarkable for his unworthy, than his good Actions; and truly his ill-grounded Jealouſy was a great Prejudice to the *French*, who having taken the Croſs upon them, were fighting under *Godfrey* of *Bulogne* for the Conqueſt of the Holy Land; but perhaps the *Latin* Authors have been as ſparing, as *Anna Comnena* was prodigal in her Commendations. *Hoeſchelius* publiſh'd the firſt Eight Books of her Hiſtory, which he had got from the *Auguſtan* Library. *Joannes Gronovius* beſtow'd ſome Pains upon it afterwards, and in the Year 1651, *Peter Pouſſin* a Jeſuite, publiſh'd it with his *Latin* Tranſlation of the *Louvre* Impreſſion. Afterwards the Preſident *Couſin* tranſlated it into *French*, and laſtly, *Charles du Freſne* explain'd it with Notes.

JOANNES CINNAMUS liv'd under the Emperor *Emanuel Comnenus*, whoſe Exploits he gives us at large in his Hiſtory; he is an elegant Writer, and ſtudies to imitate *Procopius*. He makes frequent mention of our *Normans*, and his Hiſtory is now illuſtrated with Notes by *Charles du Freſne*. *Cedrenus*, *Zonaras*, and the other Writers collected in the *Byzantine* Hiſtory, ſometimes make mention of our *Normans* alſo.

THE Motives that induc'd the *Normans* to come from *Neuſtria* into theſe our Provinces, ought to be attributed to nothing elſe but the Zeal theſe People had for the Chriſtian Religion, after they had forſaken Idolatry, and worſhipp'd the true Deity. There was a Cuſtom which prevail'd in the World at that Time of going on Pilgrimage, not ſo much as now a-days, in order to ſee Cities, new Faſhions, and different Cuſtoms, as out of Devotion to viſit the moſt famous Holy Places. Now, in this and the preceding Century, two Places in theſe our Provinces became famous all over the Weſt, to wit, that of *Monte Gargano*, by reaſon of the Angelical Apparition, and the other of *Monte Caſſino*, for the Sanctity and Miracles of S. *Benedict* and his Monks; but among all the Holy Places, as in Juſtice it ought, *Jeruſalem* was the moſt illuſtrious, a Holy City, where our glorious Redeemer water'd the Earth with his Blood, and where he was buried.

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[1] Petr. Diaconus de Viris Illuſtrib. Sacri Caſſin. Archiſterii.

[2] Petr. Diaconus lib. 3. cap. 35. in Auctuar. Chronic. Caſſin.

[3] Lib. 3. cap. 35.

AMONG all the Chriſtians of the North, 'tis incredible how much the *Normans* of *Neuſtria* were inclin'd to this Exerciſe of Piety; neither the Length of the Journey, nor the Difficulty of the Paſſage, nor the Rigor of the Weather and Seaſon, nor the Neceſſity of travelling through the Midſt of Robbers and Infidels, nor Hunger, nor Thirſt, nor any other greater Danger or Inconveniency whatſoever, frightned them. In order to overcome ſo many Difficulties, they join'd in Bands, and paſs'd through thoſe unfrequented Places, and being of great robuſt Bodies, inur'd to War, and courageous, were able to cope with whole Armies, and often had bloody Engagements with the *Greeks* and Infidels, and broke through all Obſtacles. On ſuch Occaſions, either in the going or returning, they were wont to viſit our Sanctuaries of *Gargano* and *Caſſino*.

IN the Beginning then of the eleventh Century [1], forty, as *Leo Oſtienſis* writes [2], or, according to the Opinion of others, a hundred of theſe *Normans* having left *Neuſtria*, travell'd towards the Eaſt, and on their Way to *Jeruſalem*, made great Havock amongſt thoſe Barbarians. In their Return they took another Rout; for imbarking, they ſail'd up the *Mediterranean*, and arriv'd on the Coaſt of *Salerno* [3], where they landed, and in that City, were honourably receiv'd by the *Salernitans*, who were amaz'd at the Sight of Men of ſuch robuſt Bodies. *Salerno* was govern'd at that Time, as we have ſaid, after the Death of Prince *John*, by *Guaimarus* III. his Son, by *Oſtienſis* [4] nam'd the Elder, in order to diſtinguiſh him from the other *Guaimarus* his Son, who ſucceeded him. This *Guaimarus* from the Year 994, in which *John* his Father died, govern'd the Principality, ſometimes alone, ſometimes with his Son, to the Year 1031, in which his Son died. They were invited by this Prince to ſtay ſome time in *Salerno*, to refreſh themſelves after the Fatigue of their Voyage, and to partake of the Sweets of the Country. But behold an Accident happen'd, which afforded an Opportunity to theſe few *Normans* to ſhew their Courage, and at the ſame Time to recompenſe *Guaimarus* for the kind Entertainment he had beſtow'd upon them. In the Courſe of this Hiſtory we have often related, that the *Saracens* never fail'd to infeſt the Principality of *Salerno*, coming ſometimes from *Africa*, and frequently from the neighbouring *Sicily*, in Ships upon the Coaſt of this City, and to ruin the adjacent Country, the Fields and Caſtles, which occaſion'd great Calamities: *Guaimarus* not having Forces ſufficient to repulſe them, had been oblig'd to buy his Peace with large Sums of Money. While the *Normans* were in *Salerno*, the *Saracens* with a great Fleet arriv'd on the Coaſt, and threaten'd Ruin and Deſtruction, unleſs they got a vaſt Sum of Money; *Guaimarus* having no means wherewithal to defend himſelf, was ready to grant their Demand; and while he and his Officers were buſy in raiſing Contribution amongſt his Vaſſals, the *Saracens* having landed from their Ships, cover'd the Space betwixt the Sea and the City, where, expecting the Ranſom, they gave way to Gormandizing and Exceſs. The *Normans*, who were not accuſtom'd to ſuch ignominious Uſage, reproach'd the *Salernitans* for ſuffering their Enemies to triumph ſo inſolently over them, by chuſing rather to be at the Charges of the Triumph, than to defend themſelves, and reſolv'd, with unheard-of Bravery to revenge the Affront; and whilſt the *Saracens*, little dreading the Danger, were drinking and revelling, they attack'd them with ſo much Fury and Bravery, that after a terrible Slaughter, they forc'd the reſt to fly, and betake themſelves to their Ships with greater ſpeed than they had come aſhore. So glorious an Exploit occaſion'd no leſs Joy than Admiration in the *Salernitans*, and Prince

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[1] Pellegr. in Serie Abb. Caſſ. in Atenulpho, Vergente A. Chriſti milleſimo.

[2] Oſtienſ. lib. 2. cap. 37. Quadraginta numero Normani in habitu peregrino.

[3] Ibidem.

[4] Ibid. A Guaimaro majore, qui tunc Salerni principabatur.

Guaimarus was at a loſs how to reward them as they deſerv'd; he intreated them to remain in the Country, offering them Habitations, and the moſt honourable Employments; but they proteſted that they had had no private Intereſt in this Action, and that they would have no other Recompence, but the Pleaſure of having acquitted themſelves of the Duty they ow'd to Religion, by defeating the Infidels. But leſt they ſhould ſeem inſenſible of his Civilities, and not to comply with his Deſire of having ſuch Men as they about him, they promis'd either to return themſelves, or ſend ſome of their Countrymen of equal Courage [1] with themſelves. Therefore they prepar'd to return to their native Country, which they long'd to ſee. The Prince, not able to detain them longer, us'd all Means imaginable to perſuade them upon their Arrival, at leaſt to ſend him ſome of their Countrymen; and whilſt they were imbarking for *Normandy*, he order'd many of his Officers to be ready to accompany them, with Veſſels loaded with the moſt exquiſite Fruits, as far as their own Country; he likewiſe preſented them with precious Garments of Gold and Silk, and rich Furniture for Horſes. *Guaimarus* was not diſappointed, for his generous and noble Behaviour, was not only an Invitation, but likewiſe a very ſtrong Allurement to the *Normans* to come to theſe our Provinces. For on their Arrival in *Normandy*, having repreſented the Deſire our Princes had for their Nation, they prevail'd upon a great Number of People, and ſome of them of noble Birth, to undertake the Journey. To which, an Opportunity which we are going to relate, gave a Handle.

IN the Court of *Robert* Duke of *Normandy*, amongſt other Lords who frequented his Palace, there were *William Repoſtel* and *Oſmond Drengot*; this laſt bearing a Grudge at *William*, who had publickly bragg'd he had receiv'd the laſt Favours from his Daughter, challeng'd him to fight a Duel; and notwithſtanding they were in Company with Duke *Robert*, who with his Court was taking the Diverſion of Hunting, they ingag'd, and *Drengot* run his Enemy through with his Lance, and kill'd him. Duke *Robert* taking this as an Affront, endeavour'd to have him ſeiz'd, in order to make a publick Example of him; whereupon *Oſmond*, to ſhun the Wrath of his Sovereign, fled firſt into *England*; and at laſt, ſeeing the Way to *Italy* ſo well pav'd to his Hand, reſolv'd to go thither with his Kindred, and likewiſe induc'd others to undertake the Journey with him. This gallant *Norman* carried many of his Brothers along with him, who according to *Oſtienſis*, were *Rainulphus*, *Aſclittinus*, *Oſmondus*, and *Rodulphus*, together with their Sons, Nephews, and many other Friends. This *Rainulphus* was the firſt Count of *Averſa*, and was ſucceeded by *Aſclittinus*, by *Ordoricus Vitalis* [2], call'd *Anſchetillus de Quadrellis*, from whom are deſcended the firſt *Normans* who poſſeſs'd the Principality of *Capua*, as we ſhall ſee.

THESE Heroes, of moſt noble Blood, having come from *France* accompanied with many of their *Normans*, were receiv'd with much Joy and Marks of Eſteem by our Princes, who well remember'd what their Countrymen had done in *Salerno* a few Years before. Some ſay that they went firſt to *Benevento*, others that they took Service under the Prince of *Salerno*, and others that they came to *Capua* [3]; all which may be true, for theſe new *Normans*, being leſs diſintereſted than thoſe who had fought at *Salerno*, were ready to ſerve him who rewarded them beſt; and our *Longobard* Princes, who had both the *Greeks* and *Saracens* to deal with, coveted to have ſo gallant Men in their Service, by whoſe Means they expected to reap great Advantage. However that may be, 'tis certain, that tho' it does not appear preciſely in what Year they went to *Capua*, yet they muſt have been there before the Year 1017, when *Melo*, who had fled from *Bari*, found Sanctuary there, and was kindly receiv'd by *Pandulphus* IV. who became Prince of *Capua* in the Year 1016, together with *Pandulphus* II. the Son of *Landulphus* of St. *Agatha*, which gave Opportunities to theſe new *Normans*, in his Service, to ſignalize themſelves in many noble Expeditions.

THE *Greeks* by their new Magiſtrates call'd *Catapani*, had made their Government in *Puglia* inſupportable, and gave Occaſion to new Diſorders and Tumults in *Bari* the Seat of that Magiſtrate; for the *Bareſians* not able to bear the ſevere Government of *Curcua* the new *Catapanus*, puſh'd on by *Melo* a valiant Captain of the Blood of the *Longobards*, who liv'd in *Bari*, whither he had tranſported his Family a long time before, revolted from the *Greek* Empire, and hoping to ſet their native Country at Liberty, put themſelves under the Conduct of *Melo*, whom, with *Datus* his Kinſman, they choſe for their Head. But the Emperors of the Eaſt being appriz'd of this Revolution, they immediately ſent into *Italy Baſilius Bajanus* to be *Catapanus*; who, upon his Arrival in *Puglia* with a goodly Company of Lords and Soldiers of *Macedonia*, laid Siege to the City of *Bari*. The *Bareſians* thus beſet, inſtead of defending themſelves, minded nothing but to make their Peace with the *Greeks* at *Melo*'s Coſt, offering to deliver him up; which *Melo* perceiving, he fled immediately to *Aſcoli* with *Datus*, and not thinking himſelf ſafe enough there, retir'd much further off; and in the mean time his treacherous Fellow-Citizens, in order to curry Favour with the *Greeks*, ſent *Maralda* his Wife, and *Argirus* his Son to *Conſtantinople*. *Melo*, who had retir'd from *Aſcoli* to *Benevento*, and from thence to *Salerno*, at laſt ſtopp'd at *Capua*, where he crav'd Aſſiſtance againſt the *Greeks* from *Pandulphus*, as he had done from the Princes of *Benevento* and *Salerno* his Countrymen. On his Arrival in *Capua* he found the *Normans*, who had come there a little before; he had already heard of their Valour, and finding them fit for his Purpoſe, by great Promiſes ingag'd them in his Service; and having likewiſe liſted other Troops belonging to the *Longobard* Princes, from whom he had begg'd Aſſiſtance, he made up an Army, with which he preſently march'd againſt the *Greeks*, whom he attack'd and defeated in three ſucceſſive Battles, and made himſelf Maſter of ſome Cities of *Puglia*; but afterwards he loſt all the Fruits of his Victories in the fourth Battle, which happen'd in the Year 1019, near the City of *Canne*, a Place formerly famous on account of the ancient Defeat of the *Romans* [1], where *Melo* was overcome rather by the Treachery of his own Men, than the Power of the *Greeks*, tho' the *Normans* continu'd faithful, and fought gallantly. *Melo*, ſeeing his Army reduc'd to a very low Paſs, was reſolv'd to ſeek Aſſiſtance elſewhere, and having recommended all the *Normans* that were left, to *Pandulphus* Prince of *Capua*, and *Guaimarus* Prince of *Salerno*, he went immediately to the Emperor *Henry*, to whom he repreſented the lamentable Condition of theſe our Provinces, which were in Danger of being diſmember'd from the Empire of the Weſt, by the prevailing Power of the *Greeks*, and begg'd of him to ſend a ſtrong Army againſt the *Greeks*, and even to go and command it himſelf: *Henry* being ingag'd in other Enterprizes, and not performing his Promiſes, oblig'd *Melo* twice to undertake the ſame Journey, in order to ſollicit the promis'd Succours; but in the Midſt of theſe Negotiations *Melo* ended his Days while he was with the Emperor *Henry*, and the *Normans* having loſt their valiant Captain, reſolv'd to ingage in ſome other Service.

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[1] Oſtienſ. lib. 2. cap. 37.

[2] Ordoric. Vital. lib. 3.

[3] Oſtienſ. loc. cit.

[4] Pellegr. in Stem.

ADINOLPHUS the Brother of *Pandulphus* Prince of *Capua*, and Abbot of *Monte Caſſino*, was ſo often oppreſs'd by the Counts of *Aquino*, who frequently made Incurſions upon the Lands of that Abbey, that in order to repulſe them, he reſolv'd to employ the Courage of the *Normans* [2], who very faithfully perform'd what they were intruſted with, and always protected the Lands of that Monaſtery from a Village call'd *Piniatario*, not far from the City of St. *Germano*, where they had fortified themſelves. Others of the *Normans* following *Datus*, had put themſelves under the Protection of Pope *Benedict* VIII. who had given them the keeping of the Tower of *Garigliano*, which belong'd to the Eſtate of the Church; thus *Datus* reckon'd himſelf ſecure, for the City of *Capua* cover'd him from being attack'd by the *Greeks*.

BUT the Treachery of *Pandulphus* Prince of *Capua* occaſion'd new Diſturbances in theſe Provinces, all which conduc'd to the Riſe of the *Normans*. This Prince, tho' in appearance he ſeem'd to favour the Party of *Henry* Emperor of the Weſt, whoſe Subject he was; nevertheleſs he kept ſecretly a ſtrict Correſpondence and Friendſhip with *Baſilius* Emperor of the Eaſt, and went ſo far, that at laſt he was induc'd to ſend the Golden Keys to *Conſtantinople*, and ſubject himſelf, his City, and the whole Principality to the Empire of the Eaſt, juſt as it had been formerly ſubject to that of the Weſt [3]. The Emperor *Baſilius*, to whom this Acquiſition was of great Importance, immediately adviſ'd *Bajanus* of it, and charg'd him by means of *Pandulphus* to endeavour to get *Datus* and his *Normans* into his Clutches. He effectually and punctually executed his Prince's Commands, and that *Pandul-*

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[1] Oſtienſ. lib. 2. cap. 37.

[2] Idem cap. 38.

[3] Ibidem.

phus might not be diſſuaded from it by the Abbot *Adinolphus* his Brother, he reſolv'd to bring him over likewiſe to his Intereſt, for which purpoſe he made uſe of very effectual Means, by making a Donation to his Monaſtery of the whole Inheritance of a certain *Maraldus* of *Trani*, that had been eſcheated [1]; and having ſent a great Sum of Money to *Pandulphus*, he intreated him, that if he was truly faithful to the Emperor *Baſilius*, he would give him a free Paſſage through his Dominions, in order to ſeize *Datus*. The Requeſt was immediately granted, and *Bajanus* with a conſiderable Army came and attack'd *Datus* in *Garigliano*; the Beſieg'd, tho' catch'd napping, defended themſelves for two Days with great Courage, but at laſt Courage was oblig'd to yield to Force. *Bajanus* took the Place, and treated with the utmoſt Rigour, all thoſe whom he found in it, excepting the *Normans*, whom he ſpar'd at the earneſt Intreaty of the Abbot *Adinolphus*. But he had no Pity on *Datus*, for this unfortunate Captain was conducted to *Bari*, and puniſh'd as a Paracide, by being put into a Sack and thrown into the Sea.

THE Emperor *Henry* having heard of the Invaſion of the *Greeks*, the Treachery of *Pandulphus*, and the cruel Death of *Datus*, bethought himſelf, that after the Loſs of *Puglia*, and the Principality of *Capua*, not only *Rome*, but all *Italy* was in Danger, if he did not ſpeedily ſuccour them; for he had been too long in perceiving what *Melo* had ſo often fore-told, but was at laſt rouz'd up, and having drawn together a great Army, he invited the *Normans* (who had been left at liberty at the Deſire of *Adinolphus*) to fight under his Banner, and forthwith, this Year 1022, directed his March towards *Italy* [2]. He divided his Army into three Bodies; of one compos'd of Eleven thouſand Soldiers, he made *Poppo* Patriarch of *Aquileja* Captain, who march'd towards *Abruzzo* in order to enter the Dominions of the *Greeks* on that Side; another Body of Twenty thouſand commanded by *Belgrimus* Archbiſhop of *Cologn* (for in thoſe Times it was no ſtrange Thing, for the greater Prelates of the Church to be ſeen at the Head of Armies, which we ſhall ſee anon practis'd by the very Popes themſelves) was ſent towards *Rome*, to ſeize the Abbot of *Caſſino*, with the Prince of *Capua* his Brother, who had been accus'd to the Emperor as the Author of *Datus*'s Death; *Henry* kept the other with himſelf, deſigning to march through *Lombardy*, and by the Way of *Marca* to attack the *Greeks*.

THE Abbot *Adinolphus* no ſooner heard that a whole Army was marching againſt him, than he left the Monaſtery, and reſolving to ſave himſelf in *Conſtantinople*, in great haſte he fled to *Otranto*, where having embark'd on the *Adriatick* Sea, he was Shipwreck'd, and himſelf with all his People drown'd.

THE Prince his Brother, when he ſaw that he was beſieg'd in *Capua* by the Archbiſhop of *Cologn*, leſt he ſhould be betray'd by his own Vaſſals, who hated him mortally, ſurrender'd himſelf to the Prelate, on Condition to be carried to *Henry*, before whom he promis'd to prove his Innocence [3]. *Belgrimus* took him under his Protection, and carried him to *Henry*, who at that Time had laid cloſe Siege to *Troja* in *Puglia*, a City built by the *Greeks* that very Year, which a few Days after ſurrender'd to him. The Emperor was overjoy'd, and conven'd all his Barons, as well *Italians*, as thoſe beyond the Mountains, for judging his Cauſe; who unanimouſly ſentenc'd him to die; but the Archbiſhop, under whoſe Protection he had put himſelf, by Intreaties and Tears prevail'd ſo far upon the Emperor, that he chang'd the Sentence of Death into perpetual Baniſhment, caus'd him to be put in Chains, and carried him with him to *Germany*.

HENRY gave the Principality of *Capua* to *Pandulphus* Count of *Tiano*, and at the ſame Time he inveſted *Stephen*, *Melo*, and *Peter*, Nephews of the famous *Melo*, in that County, who had undertaken to maintain it againſt the *Greeks*, as their Uncle had done before. Thus did the Emperors of the Weſt diſpoſe of the Principality of *Capua*, and the Counties of which it was made up. But *Henry* being oblig'd to recall his Army on account of the exceſſive Heats of *Puglia*, which his *Germans* could no longer bear; he intruſted the Deſigns he had upon *Italy* to the Bravery of the *Normans*, leaving it upon them to drive the *Greeks* out of it. He recommended to them particularly, that upon any emergent Occaſion they ſhould aſſiſt the Nephews of the renown'd *Melo*, to whom he likewiſe gave ſome other famous *Normans* for Aſſiſtants; who, according to *Oſtienſis*, were *Giſelbertus* and *Goſmanus*, *Stigandus*, *Turſtinus*, *Balbus*, *Walterus de Canoſa*, and *Hugo Fallucca*, with eighteen other gallant Companions.

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[1] Oſtienſ. loc. cit.

[2] Ibid. lib. 2. cap. 39.

[3] Ibid. de lib. c. 41.

famous

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THE Emperor *Henry* likewiſe recommended theſe *Normans* to the Princes of *Benevento* and *Salerno*, and to *Pandulphus* of *Tiano*, the new Prince of *Capua*, bidding them to employ them on all Occaſions. But theſe Princes ſoon forgetting the great Obligations the *Longobards* were under to the *Normans*, who had done them great Service againſt the *Greeks*, began to deſpiſe them; whether they thought they ſtood no more in need of them, or whether they took it in ill Part that they were employ'd in the Emperor's Service; they ſuffer'd them to wander in the Woods, without ſo much as allowing them a Place for Shelter, and deny'd them their wonted Pay.

THE *Normans*, who were not us'd to bear ſuch Injuſtice, took Arms againſt the Inhabitants of the Country, and immediately brought them to be at their Diſcretion; and in order to obtain more ſecurely what they wanted, they choſe themſelves a Leader of their own Nation. The firſt was *Turſtinus*, one of thoſe brave Men mention'd by *Oſtienſis*, of Strength equal to his Courage, and every way qualified for the Poſt. But not long after this gallant Captain, by the Deceit of the *Puglians*, was attack'd by a Dragon, and tho' he kill'd him, yet died by the venomous Breath of that Serpent, as *Gulielmus Gemmeticenſis* has it [1]: However there were not wanting worthy Succeſſors to revenge his Death, for the *Normans* unanimouſly choſe *Rainulphus*, a valiant and ſkilful Warrior [2], who was the firſt of the *Normans* that took upon him the Quality of Prince in *Italy*, and who eſtabliſh'd a certain and fix'd Seat in theſe our Provinces, as we ſhall ſee anon.

IN the mean time *Henry*, after having reign'd Twenty-two Years, in the Year 1025, ended his Days in *Germany*, without leaving any Iſſue; and on account of his Piety, and more for his ſingular Chaſtity, which, even tho' married, he would preſerve, we now pay him the Honour due to Saints. He built many Churches in *Bamberg*, which he ſubjected to the Pope. A moſt prudent Prince, who, conſidering, that for want of Children, Confuſion and Diſorders might happen about the Election of his Succeſſor, upon his Death-bed, he call'd for the Princes of the Empire, and nam'd *Conrad* Duke of *Franconia*, ſurnam'd the *Salick*, a wiſe and gallant Prince of the illuſtrious Houſe of *Saxony*, to be his Succeſſor [3]. The Princes of the Empire conſenting, elected him King of *Germany* and Emperor: So that *Conrad* was advanc'd to the Throne, not by Hereditary Right, but by Election, as was the Cuſtom, tho' he was nam'd by his Predeceſſor, as if the Electors with common Conſent had intruſted *Henry* with the Election. Neither was that which *Otho* III. had preſcrib'd, obſerv'd in his Election, for he was not elected by the ſeven Electors only, but by all the Princes; and *Otho*'s Regulation was not put in Practice till long after.

BASILIUS Emperor of the Eaſt likewiſe died this Year 1025, and ſhortly after in 1028 *Conſtantine*, and *Romanus*, ſurnam'd *Argirus*, was elected their Succeſſor.

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[1] Guilielmus Gemmet. lib. 7. cap. 30.

[2] Gemmet. loc. cit. Gul. App. lib. 1.

[3] Antoninus 2 par. hiſt. tit. 16. cap. 4. §. 1. Virtute militari Strenuus, Sapientia, & Scientia juris maxime florens.

CHAP. I.

The City of Averſa *founded, and* Rainulphus *the* Norman *made firſt Count thereof.*

THE Death of *Henry*, and the Election of *Conrad*, chang'd the Face of Affairs in theſe our Provinces. The new Prince of *Capua*, *Pandulphus* of *Tiano*, on account of his abominable Practices, and eſpecially his Avarice, was abhorr'd by all. He had diſguſted the *Normans*, who ſeeing themſelves treated ſo unworthily, oppreſs'd the Country People, and held them in Subjection; therefore his own Vaſſals deteſted him. He had likewiſe diſoblig'd *Guaimarus* III. Prince of *Salerno*, and by his Behaviour had brought Things to that paſs, that he became his inveterate Enemy.

ALL theſe Things wrought his Ruin, for after *Henry*'s Death, *Guaimarus* us'd all Means to gain the Favour of the new Emperor *Conrad*, and manag'd Matters ſo well, that he enter'd into a ſtrict Correſpondence and Friendſhip with him. *Guaimarus* had married *Gaidelgrima* Siſter of *Pandulphus* IV. who was ſtill in cloſe Priſon in *Germany*: The firſt Favour he deſir'd of *Conrad*, was to ſet his Brother-in-Law at liberty, and to reſtore him to the Principality of *Capua* [1]. *Conrad* granted his Requeſt, and order'd him to be reſtor'd to that Principality.

RAINULPHUS, who with his *Normans* had been ſo ill us'd by *Pandulphus* of *Tiano*, ſeeing ſo fair an Opportunity to be reveng'd, preſently join'd with *Guaimarus*, and with their united Forces, reſolv'd to reſtore *Pandulphus* IV. to the Principality of *Capua*. This Prince being aſſiſted by *Guaimarus* and the *Normans*, as alſo by his old Friends he had in *Puglia*, and by *Bajanus* the *Catapanus* himſelf, and the Counts of *Marſi*, laid Siege immediately to *Capua*, in order to drive out his Competitor, who defended the Place for the Space of eighteen Months; but not being able to hold out longer, was oblig'd to ſurrender it to *Bajanus*, who took him under his Cuſtody and Protection, and ſent him, with his Son *John*, and all that belong'd to him, to *Naples*, where he was courteouſly receiv'd by *Sergius* who was then Duke of it.

PANDULPHUS IV. like all ambitious Men, not ſatisfied with having recover'd his former Principality, was grievouſly offended that *Pandulphus* of *Tiano* ſhould be protected by *Sergius*, ſo that he began under this Pretence to reſolve upon new Enterprizes againſt the Dukedom of *Naples*.

HE had not ſhewn himſelf ſo grateful to the *Normans* as the important Service they had done him at this Juncture deſerv'd, wherefore they reſolv'd to eſtabliſh themſelves in ſome Place in that Neighbourhood: They firſt pitch'd upon a Place, which is thought to be that which we now call *Ponte a Selice*, three Miles above *Averſa*, which appear'd to be the moſt Fertile [2]; but when they began to build, the Foundation prov'd Marſhy, therefore they quitted it, and built their City at ſome Diſtance from it, which afterwards, from their Name was call'd *Averſa la Normanna*, and was poſſeſs'd by *Rainulphus* with the Title of Count, for Reaſons which we ſhall relate.

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[1] Oſtienſ. lib. 2. cap. 58.

[2] Gul. App. lib. 1.

PANDULPHUS IV. delay'd putting his Deſigns againſt *Sergius* Duke of *Naples* in Execution only one Year. The Dukedom of *Naples* was at this Time, after *Marinus*, whom the Anonymous *Salernitan* mentions, govern'd by this *Sergius*, and tho' by ancient Tenure it was ſubject to the Emperor of the *Greeks*, nevertheleſs it was govern'd by the Dukes with abſolute Authority, in the Form and Diſpoſition of a Republick. When *Pandulphus* march'd his Army againſt *Naples*, *Sergius* being unprovided, and at a great Diſtance from the *Greeks*, who could give him no Aſſiſtance, was forc'd to leave the City, which, after a ſhort Reſiſtance, ſurrender'd to Prince *Pandulphus*; this was the firſt Time that *Naples* had been ſubdued by the *Longobard* Princes, and made ſubject to their Dominion, after the Efforts of ſo many others, who never could conquer it; *Pandulphus* of *Tiano* having made his Eſcape, fled to *Rome*, where he ſoon ended his Days in a miſerable Exile.

SERGIUS being driven out of the Dukedom of *Naples*, and not able to find Aſſiſtance for turning out the Invader any where elſe, very wiſely had recourſe to the *Normans*, aſſuring them of a more generous Treatment than they had hitherto had from the *Longobard* Princes. *Rainulphus*, who had been ill us'd by that Prince, embrac'd all Opportunities by which he might the bettter eſtabliſh himſelf, and procure his own Advantage, and upon theſe Promiſes, accepted the Invitation, and with his *Normans* join'd *Sergius*, and did him ſuch ſignal Service, that they forc'd *Pandulphus* to quit *Naples*, after he had been three Years in Poſſeſſion of it, and reſtor'd *Sergius* to his Dukedom, to the great Glory and Reputation of *Rainulphus*.

SERGIUS, not following the Example of the *Longobard* Princes, was mindful of his Promiſes to *Rainulphus*, kept his Word, and enter'd into a ſtrict Alliance with the *Normans*, and in order to a more cloſe Union betwixt them, he married a Kinſwoman of *Rainulphus*; and beſides, to ſecure himſelf againſt the Inſults of the Prince of *Capua*, he built a ſtrong Fort betwixt that City and *Naples*, made *Rainulphus* a Count [1], and gave the Title of County to all the Territories about that City which they were building, and had then begun to inhabit, which cover'd the Dukedom of *Naples*; and ſeeing he was reſolv'd to keep up an Averſion betwixt the *Normans* and the Prince of *Capua*, 'tis thought that on that account this City was call'd *Averſa*.

'TIS not improbable, what *Summontes*, from the Authority of *Joannes Villani*, ſays, that the Reaſon that induc'd Duke *Sergius* to give the Title of Count to *Rainulphus*, muſt have been, becauſe that Territory was within the Demeſnes of *Naples*, being only eight Miles diſtant from it; and the rather, becauſe *Villani* [2] in his Chronicle of *Naples* ſays, that the *Normans* built *Averſa*, which formerly was a Caſtle belonging to *Naples*. But this Title, as we ſhall ſhortly ſee, was confirm'd afterwards to *Rainulphus* by the Emperor *Conrad*. Thus did the *Normans* begin to have a fix'd Reſidence in theſe our Provinces; but much greater Acquiſitions follow'd afterwards, on the Occaſions which we ſhall ſoon relate.

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[1] Pellegr. in Stemmat. A. 1030. Oſtienſ. lib. 2. cap. 58.

[2] Chronic. Neap. Jo. Villani, lib. 1. cap. 60.

SECT. I.

The coming of the Sons of Tancred *Count of* Hauteville, *and the Death of* Conrad the Salick; *and his Laws.*

RAINULPHUS being thus eſtabliſh'd in *Averſa*, ſet about fortifying himſelf there, and began to act as a Prince; he ſent Ambaſſadors to the Duke of *Normandy*, inviting his Countrymen to come and partake with him of the charming Country, where he was already Maſter of a County; and to induce them the more, he gave them hopes of their having the ſame good Fortune: Upon this Invitation there came a much greater Number of *Normans* into *Italy* than at firſt; with theſe came the eldeſt Sons of *Tancred* of *Hauteville*, the Head of the Family, of whoſe numerous Off-ſpring, from which were deſcended the Heroes, who not only conquer'd theſe our Provinces, but likewiſe *Sicily*, we ſhall ſhortly give an Account.

The Expedition of the Sons of *Tancred* into theſe our Provinces ought to be plac'd in the Year 1035, they came not all the ſame Time, but the firſt were *William*, *Drogo*, and *Umbert*. The reſt came afterwards, and only two remain'd in their native Country [1].

THESE valiant Champions having firſt puſh'd their Fortunes in diverſe Places, at laſt arriv'd in *Italy* with other *Normans*, and fix'd themſelves in *Salerno*, under the Protection and Pay of that Prince. The Principality of *Salerno* was govern'd at this Time by *Guaimarus* IV. Son of *Guaimarus the Elder*, who had been dead ſince the Year 1031. This Prince, after the Example of his Father, had a great Eſteem for theſe laſt *Normans*, whom he valu'd above all the reſt of their Nation; whether it was out of Inclination or Policy, 'tis certain that he employ'd them in all his Affairs, and had ſuch Regard for them, that he ſtill heap'd Favours upon them; and therefore as a moſt prudent Prince, govern'd his State with Vigour and Magnificence.

ON the contrary, *Pandulphus* Prince of *Capua*, who had been ungrateful to them, by his Cruelty and Avarice, had gain'd the Hatred of every Body; his frequent Incurſions, and the Robberies which he committed on the Monaſtery of *Caſſino*, oblig'd theſe Monks, in order to protect themſelves from his Tyranny, to have recourſe to the Emperor *Conrad* then in *Germany*, to whom with Tears in their Eyes they complain'd of the Deſtruction of their Monaſtery, and intreated him to come into *Italy* to relieve them from the Oppreſſion of this Tyrant, putting him in mind that it was a Duty incumbent on him, becauſe their Monaſtery was under his Protection, as it had been under the immediate Care of his Predeceſſors [2].

TO this were likewiſe added, for haſtening *Conrad's* coming into *Italy*, the Revolutions that had happen'd at the ſame in *Lombardy*, of which the Archbiſhop of *Milan* was reputed the principal Author [3]. Therefore *Conrad* reſolv'd at laſt to undertake a Journey towards theſe our Provinces; and in the Year 1038, having paſs'd the *Alps*, with a powerful Army enter'd *Italy*, and ſtopp'd at *Milan*, where he quell'd the Inſurrection, by impriſoning the Rebels, and likewiſe the Archbiſhop the Promoter of it. He ſoon after went to *Rome*, where he heard the Complaints of a Multitude of People againſt the Prince of *Capua*; he took Cognizance of his Crimes, and having gone to the Monaſtery of *Caſſino*, ſent Ambaſſadors to *Pandulphus* to induce him by fair Means to reſtore what he had unjuſtly taken from that Monaſtery; but he perſiſting in his Diſloyalty, *Conrad* came to *Capua* himſelf, and *Pandulphus*, to avoid his Indignation, retir'd to the Caſtle of S. *Agatha*. The Emperor being receiv'd in *Capua* with great Pomp and Rejoicings, was, with great Solemnity, and the uſual Ceremonies, crown'd there on the Feaſt of *Pentecoſt*. It was then the Cuſtom of the Emperors to repeat theſe Solemnities frequently on the moſt ſolemn Days of the Year; for this ſee how the moſt incomparable *Pellegrinus* corrects the Anonymous *Caſſinenſis*; for *Conrad* was not firſt crown'd King or Emperor in *Capua*, it was in the Year 1026 that he was proclaim'd King, and the Year following Emperor, the firſt time he came to *Rome*. In the mean time *Pandulphus* us'd all Means poſſible to pacify *Conrad*, by begging his Pardon; at laſt he offer'd him Three hundred Pounds of Gold, the half of which he paid immediately, and the other half was to be paid at a certain Time, and in the mean while, until the whole was paid, promis'd, to give his Daughter and a Nephew as Hoſtages; the Emperor accepted the Offer, to whom he preſently ſent the Money and Hoſtages. But this Prince ſoon after repenting of what he had done, and reckoning that he might eaſily get in again to *Capua*, as ſoon as *Conrad* was gone, after many Delays, he at laſt refus'd to pay the Remainder of the Gold. *Conrad* having now diſcover'd the Intention of this Prince, and that he would no ſooner begone, than, according to his miſchievous Inclinations, he would quickly return to Rapine and Cruelty, reſolv'd to deprive him intirely of the Principality of *Capua*, and give the Inveſtiture of it to another.

FOR which end he call'd an Aſſembly of the Grandees, and many of his Barons, at which he would likewiſe have the Noblemen of *Capua* preſent, that nothing might be done without their Advice and Conſent, and in caſe *Pandulphus* was to be depos'd, he might more maturely advance another, that ſhould be more deſerving of the Principality. *Pandulphus* was depos'd, and the Principality given to *Guaimarus* of *Salerno*, a moſt prudent Man, and in great Favour with the Emperor *Conrad*; and now theſe two Principalities were united in the ſame Perſon.

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[1] Malat. lib. 1. cap. 9, 11, 19, & 38. Oſtienſ. lib. 2. cap. 67.

[2] Oſtienſ. lib. 2. c. 65.

[3] Antonin. 2 par. tit. 16. cap. 2. §. 1.

PANDULPHUS having left his Son in the Caſtle of *S. Agatha*, went to *Conſtantinople* to ſeek Aſſiſtance from the Emperor. But being prevented by *Guaimarus*, inſtead of giving him Aſſiſtance, the Emperor baniſh'd him, and he continu'd an Exile as long as the Emperor liv'd, which was above two Years; after whoſe Death, he was reſtor'd to his Liberty by his Succeſſor; but, not able to procure any Aſſiſtance, he return'd without Succeſs [1].

AT this time *Guaimarus*, being mindful of the ſignal Services the *Normans* had done him, took hold of the Opportunity to advance them; and to ſhew the Deſire he had for their Promotion, he procur'd from the Emperor, the Inveſtiture of the County of *Averſa* in favour of *Rainulphus* [2]; for tho', as we have ſaid, *Rainulphus* had been made Count over the *Normans* by *Sergius* Duke of *Naples*; yet that was no more than a Dignity beſtow'd on him by way of Office, that is to ſay, appointing him Captain over his fellow Soldiers, as *Pellegrinus* has learnedly explain'd it. The Emperors of the Weſt at this Time, claim'd the ſole Right and Prerogative to give the Inveſtiture of Fiefs over all *Italy*: The Popes, in Imitation of them, pretended afterwards, that the Inveſtiture of Benefices belong'd to them only, of which we ſhall have occaſion to treat elſewhere. Therefore *Guaimarus*, in order to give the *Normans* a more ſure Footing in the County of *Averſa*, got the Emperor to inveſt him in it, by Virtue of which Inveſtiture, he enjoy'd not only the Office, but likewiſe the Fief of the City and County, and all thoſe Royalties, that are uſually comprehended in ſuch Conceſſions.

THE *Normans* made ſuitable Returns for theſe Favours, for not long after, by their Aſſiſtance, *Guaimarus* took *Sorrento*, and reſerving the Title of Duke of *Sorrento* to himſelf, gave that City to *Guido* his Brother. With their Aſſiſtance he likewiſe conquer'd *Amalphis*, which he kept to himſelf, and ſubjected it to his own Principality [3]. Soon after he aſſum'd the Title of Duke of *Puglia* and *Calabria*, and ſo many Titles and Seignories were united in his Perſon, that no Prince in thoſe Times, equal'd him in Power and Grandeur in theſe our Provinces. Wherefore in ſome Charters recorded by *Ughellus* in his *Italia Sacra*, granted by *Guaimarus* IV. we obſerve ſo many Titles aſcrib'd to this Prince, as in one dated in *Melphis*, *Vigeſimo Sexto anno Principatus Salerni Domini Noſtri Guaimarii glorioſi Principis; & Sexto anno Principatus ejus Capuæ; & quinto anno Ducatus illius Amalphis, & Sirrenti & ſecundo anno ſupra ſcriptorum Principatuum, & Ducatuum Domini Giſulfi eximii Principis, & Ducis filii ejus; & ſecundo anno Ducatus eorum Apuliæ, & Calabriæ, menſe Junii Duodecima Indictione* [4].

IN the mean time *Conrad*, having left *Capua*, went to *Benevento*, from thence by *la Marca*, he croſs'd the Mountains, carrying with him the Hoſtages he had got from *Pandulphus*; and in the following Year 1039, ended his Days in *Germany*, leaving *Henry* his Son, ſurnam'd the *Black*, his Succeſſor in the Empire.

AMONG the many Excellencies wherewith *Conrad* was adorn'd, was his Skill in the Laws, and the great Care he had in eſtabliſhing them: Upon his Arrival in *Italy* at *Roncaglia*, as was the Cuſtom of his Predeceſſors, he eſtabliſh'd many prudent and wiſe Laws; ſome of which we read in the third Book of the *Longobard* Laws, others in the Books of the Feudal Law, and *Godalſtus* collected many more of them in his Volumes [5].

HE was the firſt, who, to the Feudal Cuſtoms, added written Laws for regulating Succeſſions; and to this Day the Succeſſion to Fiefs is regulated according to the Cuſtom which the *Longobards* introduc'd into *Italy*. Fiefs, as we have ſaid, according to antient Cuſtom, were wont to be granted for a Time only [6], the Granter reſerving to himſelf the Power to reſume the Fief at his Pleaſure. Afterwards the Grant was made for one Year only; at length Fiefs were granted during the Vaſſal's Life; but did not go to the Sons: In fine, one of the Sons was included, which was when the Lord confirm'd the Fief to him, that had been granted to the Father;

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[1] Oſtienſ. lib. 2. cap. 65.

[2] Oſtienſ. lib. 2. cap. 65. Rainulphum quoque, ipſius Guaimarii Suggeſtione, de Comitatu Averſano inveſtivit.

[3] Oſtienſ. lib. 2. c. 65. Eodem tempore Guaimarius Normanis faventibus, ſurrentum capit, & fratri ſuo Guidoni contulit. Amalphim nihilominus ſuo dominatui ſubdidit.

[4] Ughil. de Archiep. Amalf. pag. 255. tom. 7.

[5] Goldaſt. tom. 3. pag. 312.

[6] Lib. 1. Feud. tit. 1. §. 1.

laſt of all, the Grant was extended to all the Sons, and by the Feudal Cuſtoms the Succeſſion went no further.

CONRAD the Salick, before he came to *Rome* to take the Imperial Crown, in the Year 1026, according to the Cuſtom of his Predeceſſors, in the Aſſembly of the Princes and People in *Roncaglia*, being requeſted by his Vaſſals, that he would be pleaſed to admit to the Succeſſion of Fiefs, not only the Sons, but likewiſe their Sons; which failing, that the Brothers of the Deceas'd might alſo ſucceed, conſented, and therefore a Law was publiſh'd, That if the Vaſſal ſhould have no Sons alive, the Grandſon, by a Son, ſhould ſucceed in the Fief; and that if he had no Grandſons, but Brothers lawfully begotten of the ſame Father, they ſhould likewiſe poſſeſs the Fief[1].

THIS Law, which is fully recorded by *Sigonius*[2], though the Compilers of the Feudal Books have not inſerted it all, is to be read in the Third Book of the *Longobard* Laws, in which were collected all the other Laws of the Emperors of the Weſt, as Kings of *Italy*, which were in Force, not only in *Lombardy*, and in all the other Parts of *Italy*, but likewiſe in theſe our Provinces, except what was ſubject to the *Greek* Empire, for the Reaſons formerly mention'd in the Courſe of this Hiſtory, and eſpecially in the Time of *Conrad*, when the Authority of the Emperors of the Weſt was at the Height of its Greatneſs in the Principalities of *Capua*, *Salerno*, and *Benevento*; when they depos'd the very Princes, and diſpos'd of their Principalities at their Pleaſure; the *Longobard* Laws were in greater Force and of more Authority in our Kingdom, than the Feudal, as we ſhall ſee hereafter when we come to treat of the Compilation of theſe and the Feudal Laws.

GERARDUS de Nigris, a Senator of *Milan*, in his firſt Book of Fiefs[3], has given us the Subſtance of this Law; and the Compilers of the other Feudal Books have neglected to inſert it among the other Feudal Conſtitutions of thoſe Emperors that ſucceeded *Conrad*, becauſe it had been already inſerted in the Books of the *Longobard* Laws, the Uſe of which was more frequent amongſt our Forefathers, than that of the Feudal Books; though from one Place of *Andrea d'Iſernia*[4], we gather, that it had likewiſe been tranſcrib'd in ſome Codes of the Feudal Laws, that were then in every Body's Hands, though in many Places mangled and torn.

WE have other *Capitula* of this Prince in the ſecond Book of Fiefs, under the Title *da Capitulis Conradi*, likewiſe enacted in *Roncaglia*, in which alſo Fiefs are treated of. Neither, by the bye, is the Error of *Carolus Molineus*[5] pardonable, when at the ſame time that he blames our Interpreters, who, through their Ignorance in Hiſtory, fell into many Blunders, he himſelf ſtumbles upon what he had found Fault with in them, by attributing theſe *Capitula* not to *Conrad* the *Salick*, but to *Conrad* II.; for this *Conrad*, of whom he is ſpeaking, was never in *Italy*, ſo that he could not enact them in *Roncaglia*.

WHENCE we are likewiſe convinced of the other Miſtake of *Molineus*[6], into which we cannot but admire, that beſides *Craig* and *Hornius*, our moſt careful *Pellegrinus*[7] ſhould alſo have fallen, who, on very ſlender Grounds, have reckon'd *Lothaire* I. Grandchild of *Charles the Great*, Author of that Conſtitution, which we read in the firſt Book of Fiefs[8], by which the Succeſſion to Fiefs was extended to the Father's Brother; for if that Emperor had been Author of it, *Conrad* the *Salick* could not have been the firſt, who added the written Laws to the Feudal Cuſtoms; but *Lothaire* I. who held the Empire of the Weſt more than 200 Years before *Conrad*.

BUT we are convinc'd, that this Law was *Lothaire*'s III. (whom others with more Truth call II.; as for the other *Lothaire*, who for a few Days uſurp'd the Empire after *Berengarius*, amidſt ſo many Revolutions, we are not to mind him) and not *Lothaire*'s I. becauſe it was publiſh'd in *Rome* in the Year 1133 or 1137, under the Pontificate of *Innocent*, and not of *Eugen*, as we read incorrectly in the vulgar Code, in an Aſſembly (as was uſual) of the knowing Men and Barons of many

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[1] Lib. 3. LL. Longobard. tit. 8. de beneficiis l. 4.

[2] Sigon. A. 1026.

[3] Lib. 1. tit. 1. §. 2.

[4] Andr. in Comm. in l. omnibus poſt. tit. de prohib. Feud. alien. per Lothar.

[5] Molin. de Feud. num. 51.

[6] Molin de Feud. num. 33.

[7] Pellegr. in diſſert. pag. 62.

[8] Lib. 1. Feud. tit. 19.

Cities of *Italy*; and *Conrad*'s Law concerning Succeſſion in Fiefs was confirm'd by *Lothaire*; and beſides, the Succeſſion was extended in favour of the Father's Brother, which *Conrad* had not done, as the incomparable *Cujacius* learnedly obſerv'd, tho' unjuſtly cenſur'd by *Pellegrinus*. This will be yet more evident when we conſider, that if from the Time of *Lothaire* I. Uncles on the Father's Side, were allow'd to ſucceed to Fiefs, it would have been ridiculous to have intreated *Conrad* with ſo much Earneſtneſs, as the Vaſſals then did, to extend the Succeſſion to Brothers, when 200 Years before, it had been allow'd even to Uncles. We are convinc'd by other Arguments, that this Law ought to be attributed to *Lothaire* III. which may be ſeen in *Schilterus* and *Struvius*. But we muſt pardon this Miſtake in the moſt careful *Pellegrinus*, who would meddle for once in Matters that did not concern him, but not in *Molineus*, who was moſt knowing in our Feudal Laws.

CHAP. II.

The Conqueſt of Puglia *by the* Normans.

WHILST *Conrad* was employ'd in ſetting the Affairs of *Italy* in order, there fell out in theſe our Provinces, ſuch favourable Opportunities for the *Normans* to aggrandize themſelves, as rais'd their Minds to more daring Undertakings. Theſe noble and valiant Champions who fought under the Banner of *Guaimarus* Prince of *Salerno*, by various Conjunctures, became ſo powerful, that *Guaimarus* himſelf began to be jealous of them, eſpecially the Intereſt which the Sons of *Tancred* acquir'd, gave him Umbrage, though he durſt not ſhew it; whereupon, in order to get rid of theſe Suſpicions, he bethought himſelf of Means for removing them to ſome diſtant Place on honourable Pretexts, being afraid to deal roughly with them in his own Territories; when behold an Opportunity offer'd, which was equally advantagious to both.

THE Empire of the Eaſt, which, as we have ſaid, after the Death of *Baſilius* and *Conſtantine*, was govern'd by the Emperor *Romanus Argirus*, by frequent Diſorders and inteſtine Commotions, was miſerably declining in its Grandeur and Splendor, and a great Part of it had been ſubdued by the *Saracens*, whoſe Fury theſe Emperors were not able to reſtrain. The *Greeks*, who imputed their Declenſion to the Cowardice of their Sovereigns, frequently mutiny'd, murder'd their Princes, and ſet up others in their Room, whom they thought capable to reſtore the Empire to its antient Grandeur; but being often diſappointed in their Expectations, and yet moſt imprudently perſiſting in the ſame Courſe of Tumult and Slaughter, at laſt, were the Cauſe of the total Ruin of ſo great and vaſt an Empire. For this end, having advanc'd *Michael Paphlagon* to the Throne, they allow'd him barbarouſly to murder the Emperor *Romanus*. This cunning Prince, in order to get his Election approv'd of by the People, and to convince them that they had not been miſtaken, as at other Times, in raiſing him to the Throne, reſolv'd to gain their Eſteem by a notable Conqueſt, by driving the *Saracens* out of *Sicily*, and reuniting it as formerly to the *Greek* Empire, from which it had been torn by theſe Barbarians; for which Purpoſe, in the Year 1037, he ſent an Army into *Italy*, under the Command of the *Catapanus Georgius Maniaces*, who, upon his Arrival, did all that was poſſible for putting the Deſigns of his Sovereign in Execution [1]. The Fame of the *Norman* Valour had reach'd the furtheſt Parts of the Eaſt, ſo that *Maniaces* thought it abſolutely neceſſary to have ſome of theſe gallant Champions to aſſiſt him in the Expedition; therefore in the Name of the Emperor, he begg'd of Prince *Guaimarus*, that he would let him have ſome of theſe brave Soldiers, that had lately acquir'd ſo great Reputation in his Country, aſſuring him that he would be very thankful for ſuch a Favour. But there was no need of much intreaty to procure *Guaimarus*'s Conſent to what he deſired. He was as willing to give the *Normans*, as *Maniaces* was to have them, whereupon he acquainted them with the Emperor's Deſigns, and demonſtrated, that their Compliance would be of great Advantage to them; he likewiſe promiſ'd them great Things, beſides what the Emperor was to beſtow on them.

THE *Normans*, conſidering that this Opportunity might not only put them in a way of acquiring Honour, but likewiſe be a Means of getting a more ſure Footing, immediately accepted the Offer, and march'd from *Salerno*, in number Three hundred, having at their Head, *William*, *Drago* and *Umfred*, the Sons of *Tancred*, who not long before had come thither from *Normandy* [2]. *Maniaces* received them with much Pleaſure, and having preſently ſent for ſome Troops out of *Puglia* and *Calabria*, Provinces ſubject to the *Greeks*, cauſ'd the Fleet to be made ready, and ſail'd immediately for *Sicily*, and arriving at *Meſſina*, laid cloſe Siege to it. Such was the Valour of the *Normans* in this Expedition, that the Place ſoon ſurrendred, and *Maniaces* declar'd that this Conqueſt was owing to the *Normans* alone, which ſo heighten'd the Eſteem he had for them, that he made them Preſents, with freſh Promiſes, in order to encourage them to fight ſtill more boldly [3]. He advanc'd further into the Country, and made himſelf Maſter of conſiderable Poſts, and marching to *Syracuſe*, laid Siege to it. This Place was commanded for the *Saracens*, by a certain *Arcadius*, who, vigorouſly attacking the *Greek* Army, put it in Diſorder; but while he was boaſting of this Action, *William* gave him ſuch a furious Blow with his Lance, that he laid him dead at his Feet. At which both the *Greeks* and *Saracens* were equally aſtoniſh'd, and 'tis ſaid, that it was on this Occaſion he got the Surname of *Bracciodiferro*, or *Iron-arm*.

THE *Saracens* immediately rally'd their Troops; but *William* with his Men being poſted at the Head of the *Greeks*, diſperſ'd them in ſuch a Manner, that the *Greeks* remain'd Maſters of the Field; but the *Greeks* taking Advantage of the Victory, which was ſolely owing to the *Normans*, for they had no other Share in it, but that of bare Spectators, took all the Spoil of the Enemies, and divided it amongſt themſelves, without leaving any Part of it to the *Normans*, who had acquir'd it by their Valour. For the *Greeks*, according to their wonted Vanity and Haughtineſs, began to ſlight this gallant People, and to give the Command of Towns to *Greeks* only, without minding the *Normans*, contrary to what *Maniaces* had promiſ'd. But they being highly provok'd at ſo great Ingratitude, reſolv'd to complain to *Maniaces* of theſe Wrongs the *Greeks* did them, that they might diſcover how he took it, and whether he approv'd of what had paſs'd. There had accompanied the *Normans* in this Expedition, a gallant *Lombard*, of the Family of the Archbiſhop of *Milan*, according to *Oſtienſis* [4], nam'd *Arduinus*; but *Curopalata* and *Cedrenus* will have it, that this *Arduinus* had been a Captain of the *Norman* Troops, who being well ſkill'd in the *Greek* Language, ſerv'd them as Interpreter; him they ſent to *Maniaces*, to repreſent their Grievances, which he did in a very handſome Manner; but *Maniaces* taking theſe Complaints amiſs, look'd upon them as an Incroachment upon his Authority, and upbraided the Meſſenger. Beſides, *Arduinus* having taken a fine Horſe from a *Saracen*, whom he had knock'd down, was commanded to reſtore him, as belonging to *Maniaces*, but refuſing to comply, had not only the Horſe taken from him, but was himſelf ignominiouſly whipt round the Camp [5]. *Gulielmus Puglienſis* [6] and *Cedrenus* [7] report, that this Affront was put upon *Arduinus* not by *Maniaces*, but *Doceanus*, who ſucceeded him in the Command. However that may be, the *Normans* taking the ignominious Uſage as no leſs done to them, than to *Arduinus*

[1] Curopalata hiſt. fol. 109. Cedrenus hiſt. fol. 109. Lupus Protoſpata in Chron. Longob. p. 1. Chron. Barenſ. apud Pellegr. A. 1038.

[2] Oſtienſ. lib. 2. cap. 67.

[3] Malater. lib. 1. hiſt. cap. 6.

[4] Oſtienſ. lib. 4. c. 63. Pellegr. in Caſtig. ad Lup. Protop.

[5] Oſtienſ. lib. 2. cap. 67. Malater. lib. 1. c. 8.

[6] Guil. Appul. lib. 1.

[7] Cedren. pag. 623.

who receiv'd it, highly incenſed, reſolv'd to take Arms immediately upon the very Spot againſt the *Greeks*, in order to waſh away with their Blood, the Injuries they had hitherto receiv'd; but *Arduinus*, who was meditating how to revenge himſelf to better Purpoſe, hinder'd them, and ſhewing himſelf more cunning than the *Normans*, perſuaded them to take no notice of what had paſs'd, any more than he himſelf would do, until he had accompliſh'd a certain Deſign, which would pave the way to greater Conqueſts.

HE bethought himſelf, conſidering the Condition of the *Greek* Forces in *Puglia* and *Calabria*, that there was good Ground to hope, if they were invaded by the *Normans*, they would ſubject themſelves to their Dominion; and indeed they could expect no better Opportunity than this; for theſe Provinces, by reaſon of the Expedition of *Sicily*, which the *Greeks* had upon their Hands, were quite drain'd of Troops, *Maniaces* having tranſported them, as we have ſaid, to *Sicily* for this Expedition; neither was there any Thing to be fear'd from the Inhabitants, who on account of the harſh Government, and the Vanity and Haughtineſs of the *Catapani*, had frequently rebell'd, and were only kept under by Force: So far were they from being willing to oppoſe thoſe who endeavour'd to withdraw them from the *Greek* Empire, which they abhorr'd and deteſted to that Degree, that in order to ſhake it off, they had attempted to ſubject themſelves to *Melo* their Countryman, and a Citizen of *Bari*. Beſides they were much weaken'd by the Wars which our *Longobard* Princes had often made againſt them; but eſpecially by the frequent Incurſions of the *Saracens*, who being fortified in *Monte Gargano*, kept *Puglia* in continual Fear and Confuſion.

ON the other hand the *Normans* were ſtill increaſing in Number, ſome coming daily, either from *Normandy*, or the Holy Land, whither they went on Pilgrimage. The Settlement of *Rainulphus* in the County of *Averſa*, contributed much to the Support of the *Normans*; for, beſides that *Sergius* Duke of *Naples* was his Ally and Kinſman, he kept his warlike *Normans* in ſo good Diſcipline, that they were always ready for any Undertaking, how great ſoever.

BUT beſides all theſe Things, 'tis incredible how much the Confuſion and Diſorders that happen'd in *Conſtantinople*, which turn'd that Empire and all its Provinces topſy-turvy, conduc'd to this Undertaking. Theſe were the moſt favourable Conjunctures which at laſt brought their Deſigns to bear in ſuch a manner, as we ſhall by-and-by relate.

ARDUINUS, in order to cloke his Deſigns, ſeem'd no ways concern'd at the Affront, and the *Normans* likewiſe diſſembled it, and, as if no ſuch Thing had happen'd he behav'd himſelf civilly to all the *Greeks* of his Acquaintance. In ſhort, he knew ſo well how to diſſemble, that, as *Malaterra* relates [1], having brib'd *Maniaces*'s Secretary, he prevail'd ſo far upon him, that he obtain'd a Paſſport for himſelf, with ſome of his Men to go to *Calabria*. *Leo Oſtienſis* [2] relates, that in order to obtain this, he pretended he was going to *Rome* out of Devotion to viſit the Holy Places; however that may be, the *Normans* having one Night imbark'd with him, croſs'd the *Phare* by means of the Paſſport without any Obſtacle. They no ſooner landed in *Calabria* than they began to deſtroy all the Country, and march'd towards *Puglia*, reſolving to make themſelves Maſters of it, not without well-grounded Hopes of ſucceeding. For this end *Arduinus* went to *Averſa* to ſollicit Aſſiſtance from *Rainulphus*; to whom he laid open his Deſigns, that *Puglia*, a large and opulent, but defenceleſs Province, becauſe the *Greeks* were become effeminate, would be an eaſy Conqueſt; and that it would be a Reproach, if now, when the Number of the *Normans*, ſo famous Warriors, and renown'd for ſo many Victories, was increas'd, they ſhould be any longer coop'd up, betwixt Penury and Miſery, within the narrow Bounds of a ſmall County [3]. *Rainulphus* was pleas'd with the Advice, approv'd of all that *Arduinus* had ſet forth, and without longer Delay aſſembled ſome Troops, committing them to the Charge of twelve gallant Captains; and that there might ariſe no Diſputes, it was unanimouſly agreed, that the Conqueſts ſhould be equally divided amongſt them; and a half given to *Arduinus*, as the chief Author of the Undertaking, every one ſolemnly ſwearing exactly to obſerve what had been agreed to amongſt them. *Arduinus* return'd with Three hundred Soldiers, and being join'd with ſome other *Normans* in *Puglia*, immediately beſieg'd *Melphis*, one of the moſt conſiderable Cities at that Time in *Puglia*. The Inhabitants being ſurpriz'd, preſently ſurrender'd the Place. They quickly after made themſelves Maſters of *Venoſa*, *Aſcoli* and *Lavello*. They ſo fortified *Melphis*, ſtrong by its natural Situation, that it became impregnable, the Seat of their Dominion, and Head of all the other neighbouring Cities which they conquer'd. Thus the *Normans* this Year 1041, having made themſelves Maſters of a conſiderable Part of *Puglia*, ſoon after began to extend the Bounds of their Dominion over all the Province.

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[1] Malater. lib. 1.

[2] Oſtienſ. lib. 2. cap. 67.

[3] Oſtienſ. loc. cit.

THE *Greeks* being ſurpriz'd at this Loſs, and impatient to recover it, were prevented by the Diſorders which luckily fell out in the Eaſt, as if they had been of purpoſe to favour the *Normans*, and which put all the Court of *Conſtantinople* in Confuſion. The Emperor *Michael*, ſurnam'd *Paphlagon*, whom the Empreſs *Zoe* lov'd ſo much, that for a Reward of the Familiarity they had had together, ſhe rais'd him to the Imperial Throne, fell into a kind of an *Epilepſy*, and being wearied of Government, turn'd Monk. He left the Empire to his Nephew, likewiſe call'd *Michael*, ſurnam'd *Calaphates*, under the Tuition of his Uncle *John*; but this new Emperor, on account of his Cruelty, and for having turn'd out his Uncle *John*, to whom he ow'd ſo much, and much more for having treated the Empreſs *Zoe* ſo ungratefully, who had adopted him her Son, and rais'd him to the Imperial Dignity, had made himſelf ſo odious and abhorr'd of his Subjects, that by openly rebelling they reſtor'd *Zoe* to the Throne. She was no ſooner reſtor'd, than ſhe turn'd out *Calaphates*, cauſ'd his Eyes to be put out, and married *Conſtantinus Monomachus*, who alſo became her Collegue in the Empire [1]. By reaſon of theſe preceding and ſubſequent Troubles, the Affairs of *Puglia*, *Calabria* and *Sicily*, went very croſs for the *Greeks*. *Maniaces* began to think of taking Advantage of them, and was ſuſpected of having a Deſign to take Poſſeſſion of *Sicily* for himſelf, of which being accuſ'd at Court, he was quickly recall'd, and condemn'd to cloſe Priſon. Theſe different Cataſtrophes hinder'd the Court of *Conſtantinople* from being able to put a Stop to the Deſigns of the *Normans*, who in the mean time had ſucceſsfully executed in *Puglia*, what *Maniaces* had unfortunately attempted to do in *Sicily*.

BUT at laſt the *Greeks* loſt all Patience, and the Emperor having aſſembled a powerful Army, ſent it to *Puglia* under the Command of a new General nam'd *Duclio*, in order to recover the Cities that had been taken from them, with Orders to give no Quarter to the *Normans*, but to extirpate them altogether. They had a fierce Engagement at the River *Olievento*, but ſuch was the Courage and Bravery of the *Normans*, that tho' the *Greeks* were much ſuperior both in Number and Force, yet they broke them, and made a prodigious Slaughter among them, and *Duclio* eſcap'd with Difficulty, to ſend to *Conſtantinople* to acquaint the Emperor with the unfortunate Event [2]. This Prince being terribly griev'd, cauſ'd other Troops to be aſſembled, and immediately ſent them to *Duclio*: They fought a ſecond Time at *Canne*, where the *Greeks* were likewiſe defeated. They engag'd anew at the River *Ofanto*, but the brave *Normans* gave them ſo terrible an Overthrow this third Time [3], that they quite diſpers'd them, and made themſelves Maſters of many other Caſtles in that Neighbourhood; and thus, inrich'd with the Spoils of the *Greeks*, they came to have a powerful Footing in that Province.

THESE gallant and skilful Warriors, leſt their Power ſhould create Jealouſy in the neighbouring *Longobard* Princes, in order to gain the Affections of the People of the Country, reſolv'd to chuſe a Commander in Chief, of their Nation, whom they were to obey as their Fellow-Soldier. Prince *Pandulphus* III. who govern'd at this Time in *Benevento*, had a Brother nam'd *Adinolphus*, whom they unanimouſly elected for their Leader [4].

IN the mean time the Court of *Conſtantinople*, which had been extremely ſurpriz'd at theſe unlucky Diſaſters, blaming *Duclio* for all, preſently recall'd him, and cauſ'd a ſtronger Army to be aſſembled, and ſent to *Calabria* under the Command of another General. This was *Exauguſtus*, by *Malaterra* ſurnam'd *Annon*, Son of that

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[1] Gulielm. Appul. Cedrenus, pag. 619. & ſeqq.

[2] Oſtienſ. lib. 2. cap. 67. Gaufr. Malat. lib. 1. cap. 9. Gulielm. App. lib. 1.

[3] Gul. App. Ter Gallis illo Victoria contigit anno.

[4] Oſtienſ. lib. 2. cap. 67.

Bugianus, who in the Empire of *Baſilius*, had behaved himſelf ſo excellently well againſt the famous *Melo*[1]; but he, who had no better Luck than his Predeceſſor, having ingag'd with the *Normans* under *Monte Piloſo*, or as *Cedrenus* reports[2] at *Monopolis*, was ſo terribly routed (in which Action *Bracciodiferro* ſignaliz'd himſelf above all the reſt) that the greateſt Part of his Army being cut to pieces and diſpers'd, he himſelf was taken and made Priſoner. The *Normans* being overjoy'd, and triumphing on ſo glorious an Action, held a Council amongſt themſelves how to diſpoſe of *Exauguſtus*, and reſolv'd to make a Preſent of him to Duke *Adinulphus*; but this Prince left the *Normans*, and carried him to *Benevento*, in order to diſpoſe of his Priſoner for his own Advantage, and, contrary to the Expectation of the *Normans*, ſold him to the *Greeks* for a great Sum of Money.

THIS ſo highly incens'd the *Normans*, who had not obſerv'd great Tokens of his Courage in the many Engagements he had been with them, that they reſolv'd to chuſe another Leader, and unanimouſly elected *Argirus* the Son of the famous *Melo*, who not long before having been Priſoner in *Conſtantinople*, had cunningly made his Eſcape on the Death of *Michael Paphlagon*, and being arriv'd in *Puglia*, was kindly receiv'd by the *Normans*, who, for the Motives above related, not taking upon them as yet to elect one of their own Nation, thought it better to beſtow that Honour on *Argirus*, by raiſing him up upon a Shield, according to the Cuſtom at that Time us'd in *France*.

THE Court of *Conſtantinople* being to ſeek what Captain they ſhould now ſend, reſolv'd anew to make uſe of *Maniaces*, whereupon, they ſet him at Liberty, and ſent him immediately to *Calabria* againſt the *Normans*[3]. *Maniaces* would ſignalize his coming above all the reſt with unheard-of Cruelty, and ſtruck ſo much Terror into the Country, that the *Normans* having ingag'd him near *Monopolis* and *Matera*, and finding they were unequally match'd, thought it beſt to retire to ſome fortified Places, there to wait ſome lucky Turn, and till he had ſpent his Fury.

THEY were not diſappointed, for ſoon after the Emperor *Calaphates*, as we have ſaid, having been depos'd, and *Conſtantinus Monomachus* rais'd to the Throne by the Empreſs *Zoe*, whom ſhe married: *Maniaces* hearing that the Advancement of *Conſtantine* gave Offence, reſolv'd to make Advantage of the ſo many Diſorders of the Court, and openly rebell'd againſt *Zoe* and *Monomachus*, with a Deſign to get himſelf proclaim'd Emperor by his Adherents; and having laid aſide all Thoughts of Aſſiſtance from *Conſtantine*, he intangled himſelf in many difficult Undertakings, which created him Trouble, and gave him Diverſion in many Places. For having thrown off all Reſpect and Obedience to his Prince, he barbarouſly laid waſte all the Country about *Monopolis* and *Matera*, at the ſame Time that *Argirus* on the other hand had taken *Giovennazzo*, and beſieg'd *Trani*; whereupon the Emperor *Conſtantine* ſent *Pardus* into *Puglia* as new *Catapanus*, with a great Sum of Gold and Silver, in order to ſuppreſs the Rebellion of *Maniaces*; who being advis'd of it, ſurrounded him with his Soldiers, cruelly murder'd him, and ſtripp'd him of all his Treaſure, which he ſhar'd betwixt himſelf and his Army, by which means he got himſelf to be proclaim'd Emperor, and put on all the Marks of Empire[4]; afterwards having in vain attack'd *Bari*, he retir'd to *Taranto*, where he had fix'd his Reſidence. There *Argirus* and the *Normans* beſieg'd him; ſeeing himſelf not ſecure there, he went to *Otranto*, from thence, croſſing the *Adriatick*, he arriv'd in *Bulgaria*; where engaging with *Stephanus Sebaſtophorus*, he was defeated and taken, and had his Head ſtruck off and ſent to the Emperor in *Conſtantinople*[5].

THE *Normans* amidſt ſo many Revolutions, neglected not to make their Advantage, ſo that with little Trouble they regain'd what they had abandon'd upon the coming of *Maniaces*. And by the new Conqueſts which they Daily made, having eſtabliſh'd their Fortunes on a better Footing, for the greater Security, they reſolv'd to have no Captain but one of their own Nation; and tho' they had a great Eſteem for *Argirus*, yet they had obſerv'd, that under his Command they had not been able to maintain themſelves againſt the Power of *Maniaces*, and that the greateſt and moſt glorious Actions had been owing to *William Bracciodiferro*; they therefore thought it better to put themſelves under his Command; whereupon they aſſembled this Year 1043, in the City of *Matera*, where *Maniaces* a few Months before had exercis'd the greateſt Cruelties, and elected him their Commander in Chief, and honour'd him with the Title of Count: He was therefore the firſt that was call'd Count of *Puglia*.

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[1] Apul. lib. 1. Cedren. pag. 623.

[2] Cedren. pag. 624.

[3] Gul. App. lib. 1.

[4] Ibidem.

[5] Cedren. pag. 624. & 25. Zonaras.

SECT. I.

Of William Bracciodiferro, *the firſt Count of* Puglia, *created in the Year* 1043.

THIS was the firſt Title, and the Source of all the other Titles, which the Royal Houſe of the *Normans* had in *Puglia*, and afterwards in *Sicily*; which it got, neither by the Authority of Pope *Benedict* XI. nor from the *Greek* Emperor *Conſtantine* XI. who at this Time reign'd in the Eaſt, but, as *Lupus Protoſpata*, and *Leo Oſtienſis* relate, by the Election of the Captains, Soldiers and People, that is to ſay, the *Italian*, *Longobard* and *Normau* Lords, Heads and Prime Men of the Army, who being aſſembled in Council, ordain'd that the Title of Count ſhould be conferr'd on *William Bracciodiferro*; which Decree being approv'd of by the inferior Captains, and all the *Italian* and *Norman* Army, he was by the Soldiery proclaim'd Count, which was a better and more legal Right, than if he had got it either from the Emperors of the Eaſt or Weſt, or the Pope. 'Tis probable, as *Inveges* [1] conjectures, that the *Normans* at this Election made uſe of particular Ceremonies in creating him Count; that beſides the Sound of Kettle-Drums and Trumpets, which was the Cuſtom at the Promotion of Counts (as may be ſeen in *Hugo Falcandus*, when *Riccardo di Mandra* was made Count of *Moliſe*) they made uſe of the old *Italian* Ceremony of putting the Standard in his Hands, as if he had been appointed chief Standard-Bearer of the *Italian* and *Norman* Confederacy, againſt the Emperor of the *Greeks*; and from that Time, in place of a Crown, the Counts wore above their Arms a plain Circle, without Jewels, in order to diſtinguiſh them from Marquiſſes and Dukes, and without Rays, to diſtinguiſh them from Princes.

THE *Normans* then having thus elected *William* Count of *Puglia*, in order peaceably to enjoy their Conqueſts, and to prevent Contention amongſt themſelves, reſolv'd amicably to divide the conquer'd Places, as alſo thoſe they had a mind to conquer. In the Beginning of their Dominion, they introduc'd a Polity and Form of Government, not unlike that which the *Longobards* had obſerv'd for the Space of ten Years, when upon the Death of *Clephis*, being unwilling to chuſe a new King, they divided the Kingdom, and thoſe to whom Counties were given in Charge, govern'd them with the ſame Laws and Inſtitutions; but upon grave and weighty Emergencies they all conven'd in *Pavia*, where they diſcuſs'd the moſt important Affairs of the Commonwealth.

THE *Normans*, tho' they fought under a Captain, whom they choſe in order to avoid Confuſion and Diſorders, which uſually fall out when Undertakings are not manag'd by one Perſon; nevertheleſs every one did his beſt, rather as a Fellow-Soldier than Officer, and many had equal Share in the Conqueſts, and gave the ſame Aſſiſtance. *Rainulphus* Count of *Averſa* had ſent thither a good Body of Men under twelve Captains; *William Bracciodiferro* had very much ſignaliz'd himſelf in this Expedition; *Drago* and *Umfred* his Brothers had alſo diſtinguiſh'd themſelves above all the reſt; *Arduinus* the firſt Promoter of the Undertaking, and many other gallant Champions, did not fail to expoſe their Perſons to all Danger, on all Occaſions. Therefore from the Beginning, when they undertook ſo noble a Deſign, it was unanimouſly agreed, that what ſhould be conquer'd was not to be given to one, but equally divided amongſt them. And tho' *William* had been elected Count, yet that was only a Title of Honour, not that *Puglia* ſhould be yielded to the Dominion of one ſingle Perſon, as it was afterwards.

AT firſt they introduc'd a Form of Government rather *Ariſtrocratical*, than Monarchical, for by the Advice of *Guaimarus* Prince of *Salerno*, their ancient Ally, they call'd a Dyet in *Melphis*, where they were all to be preſent, to which they likewiſe invited *Guaimarus* and *Rainulphus*. They divided the Cities thus; to *Rainulphus* Count of *Averſa*, was given the City of *Siponto*, and *Monte Gargano*, with all the Villages and Places belonging to them; to *William Bracciodiferro*, was given the City of *Aſcoli*, and with common Conſent the Title of Count was annex'd to it; to *Drago*, *Venoſa*; to *Arnolinus*, *Lavello*; to *Hugo*, *Monopolis*; to *Peter*, *Trani*; to *Walter*, *Civita*; to *Rodulphus*, *Canne*; to *Triſtianus*, *Montepiloſo*; to *Erveus*, *Trigento*; to *Aſclittinus*, *Acerenza*; to *Rodulphus*, St. *Angelo*; to *Raimfridus*, *Minervino*; and to *Arduinus*, according to their Oath, his Share was likewiſe aſſign'd. Thus what they had hitherto conquer'd in *Puglia* was divided. The City of *Melphis* only, which was the firſt and ſtrongeſt Place they had as yet conquer'd, was common to all. They reſerv'd this City as a Place of meeting for conſulting about the moſt important Affairs of their Nation; whereupon *Melphis* began to raiſe its Head above all the other Cities of *Puglia*, ſo that the Popes thought it a fit Place to hold a Council in; and *Amalphis* being likewiſe famous for its Navigation, occaſion'd, that the *Uultramontane* Writers, not being well acquainted with our Cities, often confounding the one City with the other, have taken the one for the other, being deceiv'd by the Reſemblance of the Names.

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[1] Oſtienſ. lib. 2. c. 67.

THUS did the *Normans* make themſelves Maſters of the greateſt Part of our *Puglia*; neither were their Conqueſts confin'd to this Province, but were carried on in the other Provinces, as we ſhall ſhortly relate. They took *Puglia* from the *Greeks*, who were in Poſſeſſion of it, tho' the Emperor of the Weſt pretended a Right to it as King of *Italy*, to whom, as a Part of the Kingdom of the *Longobards*, it was ſubject, and govern'd by *Caſtaldi* ſent by the Dukes of *Benevento*; and therefore, when it again fell under the Dominion of the *Greeks*, the *Othos* often attempted to ſubject it to the Empire of the Weſt, tho' in vain.

MEAN while *Argirus*, ſeeing no Share had been allow'd him in the Diſtribution of the Cities, ſeparated from the *Normans*, and did not mind his being neglected by them, becauſe he had reſolv'd to make himſelf Prince of *Bari*, as his Father *Melo* had been; he had deſerv'd well of the Emperor *Conſtantinus Monomachus*, by having ſuppreſs'd the Rebellion of *Maniaces*, and oblig'd him to fly to *Bulgaria*, where he was put to Death; for which he not only obtain'd the Favour of this Prince, but he likewiſe gave him *Bari*, with the Title of Prince, and Duke of *Puglia*, and he was alſo made a Patrician, that, as his Vaſſal, he might ſupport his Intereſt in theſe Provinces. Thus *Argirus* being fix'd in this other Part of *Puglia*, under the Protection of the Emperor of the Eaſt, gave Riſe to the Principality of *Bari*, which at laſt came likewiſe under the Dominion of the *Normans*, as we ſhall relate.

IN the mean time the *Normans* as they acquir'd greater Power, ſo they became more bold, and in a manner inſolent in attacking their Neighbours. Thoſe who ſerv'd under *Rainulphus* Count of *Averſa*, frequently moleſted the Monaſtery of *Monte Caſſino*, and at laſt came to open Invaſion; but the Abbot oppoſing them, it would have broke out into a bloody War, if *Guaimarus* their Ally, and at the ſame time a Friend of the Abbot, had not interpos'd, and made Peace betwixt them.

BUT this Year 1046, the *Normans* were grievouſly afflicted for the Death of two of their famous Captains. Thoſe of *Puglia* loſt the renown'd *William*, the Director of all their Affairs, who was indu'd with wonderful Reſolution and Courage againſt his Enemies, and Meekneſs and Affability towards his own Men. He, as *Gulielmus Appulienſis*, his Cotemporary, relates [1], was a Lion in Battle, and a Lamb in Converſation and Council. He reign'd only three Years in *Puglia*, and had been in *Italy* from the Year 1035 to his Death, twelve Years; he was buried in *Venoſa* in the Church of the Trinity, a City, that in the abovemention'd Diviſion had been aſſign'd to *Drago* his Brother. Thoſe of *Averſa* ſhortly after loſt Count *Rainulphus*, who, having left no Sons, was ſucceeded by *Aſclittinus*, according to *Oſtienſis* [2], ſurnam'd Count *John*, or as *Ordericus Vitalis* has it [3], *de Quadrellis*. *Aſclittinus* govern'd the County of *Averſa* but a ſhort Time, for dying in the Year 1047, tho' he left Sons, the County was ſoon invaded by *Rodulphus*, by *Oſtienſis* ſurnam'd *Capellus*, and by *Gulielmus Appulienſis Drincanottus*; but he was quickly turn'd out by the *Averſans*, who choſe another *Rodulphus* for Count, nam'd *Trinclinottes*, who dying ſoon after, the *Averſans* put *Richard* the Son of *Aſclittinus* in his Place, who at that Time ſerving in the Wars in *Puglia* under *Drago*, whoſe Siſter he had married, was recall'd by them, and got the Government of the County of *Averſa*. This was he, who in the Year 1058, having driven Prince *Pandulphus* V. out of *Capua*, made himſelf Maſter of that Principality, which he tranſmitted to his Poſterity, as we ſhall relate: So that the firſt *Norman* Princes of *Capua*, were all deſcended from this *Aſclittinus*; there's no occaſion for conſounding them with the other *Normans* of *Puglia* and *Calabria*, who were of the Race of *Tancred* Count of *Hauteville* [1].

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[1] Gul. Ap. lib. 2. cap. 12.

[2] Oſtienſ. lib. 2. cap. 67.

[3] Orderic. Vital. lib. 3.

THESE likewiſe, on the Death of *William*, reſolv'd immediately to appoint another in his Place; whereupon they choſe *Drago* his Brother to be Count of *Puglia* [2], a worthy and gallant Captain. *Pirri*, believing that *William* had left Sons, wrote, that the *Normans* having excluded theſe Sons, choſe *Drago* his Brother in his Place, becauſe it was their Cuſtom to prefer the Elder Brothers to the Sons of the Deceas'd; but as *Inveges* well obſerves [3], that Reaſon is trifling, becauſe amongſt the *Normans* themſelves, the Dukedom of *Normandy* went from Father to Son, as the *Norman* Chronicle and *Gordon* obſerve, and when Sons were wanting the Brothers ſucceeded; as *Robert* II. the ſixth Duke, ſucceeded his Brother *Richard* III. who died without Iſſue, as *Gordon* obſerves, in the Year 1028. Hence 'tis more likely, that the Brother, and not the Son of *William* I. ſucceeded to the Title of Count, becauſe *William* either had no Wife in *Italy* and *France*, or if he had, ſhe was barren, according to *Inveges*; or that at firſt, the Counts of *Puglia* were not made by Succeſſion, but Election.

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[1] Pellegr. in Stem.

[2] Malater. lib 2. cap. 12. Exequiis celebratis, ſecundus frater Drago totius Apuliæ dominatum ſuſcepit.

[3] Inveg. par. 3. A. 1046.

SECT. II.

DRAGO II. *Count of* Puglia.

WHILST *Drago* govern'd *Puglia*, his younger Brothers who had continu'd in *Normandy*, were paſſionately bent on coming to ſee him; their Father *Tancred* was at great Pains to keep two of them at leaſt with himſelf, to keep up his Family in *Normandy*. *Robert* and ſome of his Brothers came hither, bringing with them many other Gentlemen of their Nation, who came not arm'd, or with a Body of Horſe and Foot, but diſguis'd in the Habits of Pilgrims, with Staves in their Hands, and Budgets on their Shoulders, as if they had been going to viſit the Sanctuaries of *Monte Caſſino* and *Gargano*, in order to ſhun being made Priſoners by the *Romans*, who ſeeing this foreign Nation to be ſo flouriſhing in *Puglia*, were already jealous of it, as an Enemy both of the *Italians* and *Greeks*. Thus the *Normans* fix'd themſelves, and increas'd daily more and more in *Puglia*; which was owing to the good Conduct of *Drago*, who in order to their better footing, caus'd *Umfred* his third Brother, and the Eldeſt of thoſe that had come along with him, to be created Count; and to *Robert*, who was afterwards nam'd *Guiſcard*, the eldeſt Son of *Tancred* by his ſecond Wife, knowing him to be a Man of greater Parts, and more daring than the reſt, he committed the greateſt and boldeſt Undertakings; for having taken the Caſtle of St. *Mark* ſituated on the Frontiers of *Calabria*, he gave the Charge of it to him, with Orders, as Occaſion ſhould offer, by incroaching upon *Calabria*, to inlarge their Borders.

BUT whilſt *Drago* was thus employ'd in raiſing his own Nation, there fell out other lucky Events at the ſame Time, which gave him more ſure Footing in *Puglia* that he had newly conquer'd. The Emperor *Henry* II. as we have ſaid, had ſucceeded his Father *Conrad* in the Empire, and being diverted by the *Hungarian* War, could not mind the Affairs of *Italy*; but having diſingag'd himſelf the beſt way he could from that Expedition, he was for diverſe Reaſons neceſſarily forc'd to come into *Italy*. The News of ſo many Revolutions which happen'd in theſe our

Provinces drew him hither, over which, as King of *Italy*, he was not willing to loſe that Sovereignty and Title his Predeceſſors had poſſeſs'd; and tho' he did not much mind the Growth of the *Normans* in *Puglia* and *Calabria*, thinking it would be for his Advantage if theſe two Provinces were wholly taken from the *Greeks*; nevertheleſs he was willing that the *Normans* ſhould hold them of him; and as the *Longobard* Princes had acknowledg'd him for their Sovereign, ſo he would have the *Normans* do the ſame. But the Diſorders and Confuſions, and the abominable Enormities which aroſe in *Rome* on account of the Elections of the Popes, were the chief Cauſes of his coming to *Italy*; for the Imperial Authority being ſunk in *Rome*, and the People having reaſſum'd the Power of electing the Pope, this Church fell again into Confuſion and Diſorder. This City had never been ſo grievouſly afflicted by the Avarice and abominable Behaviour of the Eccleſiaſtical Order as at this Time. The greateſt Prelates did not ſtick to purchaſe with Money the greateſt Offices, not excepting the High Prieſthood, and that in Face of the Sun, and as publickly to expoſe the moſt ſacred Functions to Sale. They did not ſtand in awe with open Force and Arms to invade the Cathedral of St. *Peter*; and when Faction and Arms fail'd, they had recourſe to Ambition, Simony, Poiſon, Treachery, and Murder; for *Benedict* made no ſcruple to ſell one Share of the Pontificate to *Sylveſter* III. and another to *Gregory* VI. all three ſitting in *Rome* at the ſame Time, which occaſion'd horrible Confuſion, eſpecially when *Gregory*, both with Horſe and Foot Soldiers poſſeſs'd himſelf of St. *Peter*'s Church, and much ſtrengthen'd his Party by a great Slaughter of his Oppoſers. Learning and the Doctrine of the Fathers were laid aſide, and no Veſtige of the Goſpel remain'd. The Deacons, Prieſts, and even Biſhops, were not aſham'd to keep Concubines publickly in their Houſes, even in *Rome*; neither did they bluſh to make their ſpurious Children their Heirs by their laſt Wills. In ſhort *Rome* was become another *Babylon*, there being no Wickedneſs which they did not commit; inſomuch, that few had Virtue enough to reſiſt the Contagion; and thoſe who have written of the Calamities of theſe Times, confeſs they want Words ſufficient to expreſs ſuch heinous Enormities and Wickedneſs; and the famous Abbot *Deſiderius*, who liv'd in theſe Times, being afterwards rais'd to the Pontificate by the Name of *Victor* III. giving a ſhort Relation of theſe Debaucheries, declares that he had not the Courage to name them, becauſe of the Horror ſuch Looſeneſs of Manners rais'd in him [1].

THEREFORE *Henry* came to *Rome* this Year 1047, and tho' he did what he could to redreſs ſo great Wickedneſs, by expelling *Benedict*, turning out *Sylveſter*, and baniſhing *Gregory* to *Germany*; yet the Manners of the Eccleſiaſticks were ſo deteſtable, and their Ignorance ſo great, that when a new Pope was to be choſen, *Oſtienſis* laments ſadly [1], that there was not one to be found in *Italy* worthy of that Office; ſo that to make the beſt of a bad Market, they were forc'd to elect a *Saxon*, Biſhop of *Bamberg*, who took the Name of *Clement* II.

THE *Romans* being highly pleas'd with *Henry* for his good Conduct, elected him for their Patrician, and beſides the Imperial, they adorn'd him with the golden Patrician Crown. *Henry* now diſingag'd from the Affairs of *Rome*, ſet out for theſe Provinces, together with Pope *Clement*, to ſettle the Affairs thereof, viſited *Monte Caſſino*, and ſtopp'd in *Capua* [2]. Prince *Guaimarus* had held the Principality of *Capua* nine Years, and had been inveſted in it by *Conrad*, who had taken it from *Pandulphus*; but this Prince, on account of his many Acquiſitions, gave great Jealouſy to the reſt; for after having added the Principality of *Capua* to that of *Salerno*, he had likewiſe ſubjected the Dukedom of *Sorrento*, and the more conſiderable one of *Amalphis*; he had for Vaſſal the Duke of *Gaeta*; and moreover, with the Aſſiſtance of the ſame *Normans* whom *Argirus*, while he was beſieging *Bari*, had ſent him, he aſpir'd to the Conqueſt of *Puglia* and *Calabria*; neither did he ſtick, as we have ſaid, out of Vain-glory, to aſſume likewiſe amongſt his Titles, that of Duke of *Puglia* and *Calabria*.

ON the other hand *Pandulphus*, who had been expell'd by *Conrad*, and after the Death of *Caleſatus*, had been freed from his Exile by his Succeſſor, was return'd to *Italy*, and with the Help of the Counts of *Aquino* and *Seſto*, began to think of getting himſelf reſtor'd to his Principality; whereupon after the Death of *Conrad*, who never could bear him becauſe of his Cruelty, when *Henry* ſucceeded, he entertain'd better Hopes. For *Henry*, partly ſpurr'd on by the Jealouſy which the overgrown Power of *Guaimarus* had rais'd in him, and partly by the preſſing Sollicitations and rich Preſents of *Pandulphus*, came to *Capua*, and manag'd Matters ſo dextrouſly with *Guaimarus*, that he made him reſign the Principality into his Hands, which he beſtow'd on *Pandulphus* and *Landulphus* his Son [1].

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[1] Deſider. lib. 3. in prin. Ab. de Noce in Excurſ. hiſt. ad Oſtienſ. lib. 2. cap. 79.

[2] Oſtienſ. lib. 2. cap. 79.

[3] Ibid. cap. 80.

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[1] Oſtienſ. lib. 2. cap. 80.

SECT. III.

The firſt Inveſtitures given by the Emperor Henry *to the* Normans.

THE Affairs of *Capua* being thus ſettled, *Henry* reſolv'd to gain the *Normans* over to his Intereſt, and was very ſollicitous to have them to hold of him. Mean while *Drago* Count of *Puglia*, and *Rainulphus* Count of *Averſa*, had not neglected, as ſoon as *Henry* came to *Capua*, to tender him their Reſpects; they viſited him, and made him a Preſent of many Horſes, and a great Sum of Money. At this Time *Henry* gave the Inveſtiture to theſe *Norman* Princes of the County of *Averſa* (as *Conrad* had formerly done to the other *Rainulphus*) and to *Drago* of all he poſſeſs'd in *Puglia* [1]. Thus did theſe new Princes get themſelves more firmly eſtabliſh'd in thoſe Dominions, which they had poſſeſs'd hitherto by Virtue of no other Right but what the Law of Arms had given them. Altho' the *Normans* had taken *Puglia* and *Calabria* from the *Greeks*, and not from *Henry*, nevertheleſs the Emperors of the Weſt pretended they belong'd to them as Kings of *Italy*, to whom theſe Provinces were ſubject during the Dominion of the *Longobards*; for regaining of which, the Emperors had had many Wars with the *Greeks*, therefore it ought not to ſeem ſtrange, if on all Occaſions that offer'd, they were willing to inveſt thoſe who had taken them from the *Greeks*, which was now the Caſe of the *Normans*.

BUT *Henry* not only gave them the Inveſtiture of theſe States, but likewiſe yielded them all the Territory of *Benevento*, on the Occaſion which we ſhall relate. At this Time *Pandulphus* III. with his Son *Landulphus* govern'd the Principality of *Benevento* [2]: *Henry* after he had inveſted the *Normans* in *Capua*, left that City in order to go to *Benevento*; the *Beneventans* remembring that they had always been ill us'd by the Emperors of the Weſt, particularly by the two laſt *Otho's*, the Emperors Viſits were no ways acceptable to them. Now that they heard of *Henry's* coming, and that he was bringing Pope *Clement* II. along with him, they refus'd him Entrance, ſhut their Gates, and fortified themſelves. *Henry*, highly offended at the Affront, and not in a Condition to revenge himſelf at that Time, got the Pope to excommunicate the whole City; whence, as we have obſerv'd in another Place, 'tis evident, that long before *Gregory* VII. general Interdictions of whole Cities were in uſe in the Church; and not content with this, he took all the Territory from the *Beneventans*, and thoſe open Places of the Principality that were eaſily conquer'd, and of his own Authority gave them to the *Normans* [3].

THUS *Henry* having better eſtabliſh'd the *Normans* in the Counties of *Averſa* and *Puglia*, and part of the Principality of *Benevento*, return'd to *Germany*, carrying with him Pope *Clement*, and *Gregory* the former Pope, on whom he had paſs'd Sentence of Baniſhment.

THIS Year then 1047, the Royal *Norman* Houſe began to ſubject itſelf to take Inveſtiture and Infeoffment, not from the *Roman* Pontiffs, who at this Time did not pretend to it, but from the Emperors of the Weſt, who as Kings of *Italy*, for the Reaſons already mention'd, believ'd that theſe Provinces belong'd to their Empire.

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[1] Oſt. loc. cit. Dragoni Apuliæ, & Rainulpho Averſæ Comitibus ad ſe convenientibus, & equos illi plurimos, & pecuniam Maximam Offerentibus, univerſam, quam tunc tenebant terram Imperiali inveſtitura firmavit.

[2] Pellegr. in Stem.

[3] Oſt. loc. cit. Totam Civitatem a Romano Pontifice qui cum illo tunc erat excommunicari fecit, cuntamque Beneventanam terram Normannis auctoritate ſua confirmans, ultra montes exinde eſt reverſus, Gregorium Expontificem ſecum aſportans.

BUT whilſt the Emperor of the Weſt was thus diſpoſing of theſe our Provinces, the Emperor of the Eaſt, who had been appriz'd, that *Henry* had granted the Inveſtiture of *Puglia* to the *Normans*, and that he had diſpos'd of this Province as if it belong'd to his Empire, and not to that of the Eaſt, as it did; and that therefore the *Normans* were eſtabliſh'd in ſuch a manner, that there were no Hopes left of expelling them out of it, full of Rage and Indignation, reſolv'd immediately to ſend a new Officer nam'd *Argirus*, loaded with Gold, Silver, and rich Stuffs, that if he ſhould not be able to drive them out by Force, he might endeavour to do it by Bribery, and inviting them in the Name of the Emperor to go over with their Troops into *Greece*, where they ſhould have ſuitable Commands in a War he had reſolv'd to make upon the *Perſians*, by which they would reap great Advantage[1]. The *Normans*, who immediately perceiv'd the Snare, anſwer'd him frankly, that they were reſolv'd never to leave *Italy*, unleſs expell'd by Force. *Argirus* was ſo vex'd to ſee that all his Artifice was diſcover'd, that he reſolv'd to make uſe of other more villainous Means. With the Treaſure he had brought from *Conſtantinople* he brib'd many of the *Puglians*, and ſome that were moſt intimate with *Drago*, and among the reſt, one nam'd *Riſo*, who was likewiſe his Creature[2]. This Traytor, whilſt *Drago* in one of his Caſtles, nam'd *Montoglio*, was going to Church in the Morning, hid himſelf behind the Door, and flew upon him and kill'd him with a Dagger; the other Conſpirators, who had alſo hid themſelves with *Riſo*, kill'd a great many of the Count's Guard, and made themſelves Maſters of the Fort. The ſame was done in diverſe Parts of *Puglia*, where they had been acquainted with the Conſpiracy; ſo that there was greater Slaughter made among the *Normans* by this Conſpiracy, than had been in the Wars which had laſted many Years.

BUT *Umfred*, who had been made Count in *Drago's* Life-time, with extreme Grief being appriz'd of the Death of his Brother, and the barbarous and treacherous Murder of thoſe of his Nation by the *Puglians*, preſently join'd all his Forces, and having vigorouſly attack'd the Caſtle of *Montoglio*, after a long Siege made himſelf Maſter of it, and having got the Aſſaſſine, with his Accomplices into his Hands, put them to Death by different ſorts of exquiſite Torments. *Argirus* reſolv'd to defend himſelf, by heading ſome few Troops which he aſſembled; but *Umfred* attack'd him, defeated him, and forc'd him to retire in Confuſion, which brought him in Diſgrace with the Emperor, ſo that ſoon after he died of Grief. From this Incident, the *Normans*, in order to be reveng'd of the *Greeks*, were reſolutely bent on driving them out of *Calabria*, and began to keep a watchful Eye over the *Puglians*, and to treat them more roughly, who therefore being wearied of their Government, began to fill the World with Complaints, and to invent the moſt odious Calumnies againſt the *Normans*. They charg'd them as guilty of a Thouſand Crimes; call'd their Government Tyrannical and Cruel, laid their Grievances before *Henry*, and ſhortly after before Pope *Leo*, whence proceeded the many Innovations and Diſorders which we are now going to relate.

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[1] Gul. Appul. lib. 2.

[2] Malater. cap. 13.

CHAP. III.

The Origine of our Papal Inveſtitures; and the unfortunate Expedition of Leo IX. *againſt the* Normans. *His Impriſonment and Death.*

THE Subject we are now about to treat of, by reaſon of its Novelty and Oddneſs, needs no Recommendation: It contains an Attempt of the Popes upon this Kingdom, and in what Manner, and from what ſlender Beginnings they have at laſt obtain'd, that now it is reputed a Fief of the Church of *Rome*. Neither is the Oddneſs of it more ſurprizing, than how, without an Army, without a Fleet, but only by their exquiſite Cunning, and continual Application, they have been able to eſtabliſh this Right, acquir'd by them not as Heads of the univerſal Church, or Patriarchs of the Weſt, but as ſecular Princes, and to accompliſh what neither the Emperors of the Weſt, nor thoſe of the Eaſt, by long Wars, and great Armies, could ever obtain. But the Quarrels of Princes, the Stupidity and Superſtition of the People, the Ignorance and Barbarity of the Age, and the exquiſite Cunning of the Popes, all put together, were ſufficient to remove all Obſtacles and Impediments.

FROM this Time forth, having occaſion frequently to mention the *Roman* Pontiffs, that I may not be charg'd with Temerity, my Purpoſe is not to ſpeak of them as High Prieſts, and Vicars of *Chriſt*; but as ſecular Princes, who, in order to make themſelves Maſters of many States and Principalities in *Italy*, minded their own Intereſt, like all the other Princes, who had Dominion there. I ſhall make a juſt Diſtinction betwixt theſe two Perſonages; when I have occaſion to diſcourſe of the Eccleſiaſtical Polity, then I ſpeak of them as Heads of the Church, and Patriarchs of the Weſt, who have the Government of our Churches. When they meddle with ſecular Affairs, they ſhall be repreſented only as Men, like other Princes. Therefore it will not ſeem ſtrange to ſee them in theſe Times at the Head of Armies, making Leagues, and inliſting Soldiers: Which made the Schiſm betwixt the *Greeks* and *Latins* the more irreconcileable, and gave occaſion to the *Greeks* to call the *Roman* Pontiffs, no more Biſhops, but Emperors; and *Petrus Diaconus*[1] in the Acts, of the Diſpute which he had before the Emperor *Lothaire*, and which the Abbot of *Noce*[2] avouches for true, contrary to the Opinion of *Baronius*, relates, that a Philoſopher having come out of *Greece* into *Italy*, made an Oration in preſence of the Emperor *Lothaire*, and among other things told him; *Romanum Pontificem, Imperatorem, non Epiſcopum eſſe*; and the ſame Writer reports[3], that having had a Diſpute with the ſame Perſon about the Holy Ghoſt's proceeding from the Father and the Son, among other Things, the *Greek* upbraided him, and ſpeaking of *Innocent* II. ſaid, *In occidentali climate nunc impletum videmus quod Dominus per prophetam dicit, Erit, ut populus, ſic ſacerdos, cum pontifices ad bella ruunt; ſic papa veſter Innocentius facit, pecunias diſtribuunt, milites congregant, purpurea veſtimenta amiciuntur.*

'TIS likewiſe true, that when their Dominions were not in a Condition to furniſh them with Money ſufficient to maintain numerous Armies, they frequently joyn'd the Spiritual to the Temporal Arms, by which they became ſuperior to the Princes, and terrible to the People. They had uſurp'd the Power of depoſing Princes from their Kingdoms and Dominions, of raiſing and pulling them down at their Pleaſure, of creating Dukes and Counts, and even believ'd that they had likewiſe Power of making Kings and Monarchs; and in the latter Ages, they carried Matters to ſuch an Exceſs, that there was not a Prince in *Europe*, that did not do Homage to the Apoſtolical See as a Vaſſal. In fine, by theſe means they came to pretend, that this Kingdom was a Fief of their Church, and to treat the Poſſeſſors as their Subjects and Vaſſals.

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[1] Auctuar. Chron. Caſſ. lib. 4. cap. 115.

[2] Ab. de Nuce in Excurſ. hiſt. ad dict. l. 4. c. 8.

[3] Pet. Diac. loc. cit. cap. 116.

HENCE proceeded ſo many Revolutions, when the Popes invited foreign Princes to come and take Poſſeſſion of this Kingdom; hence aroſe ſo many Wars and Diſorders; and that in proceſs of Time, the Kings of *Naples* conſidering that their Kingdom, for a long Tract of Land, bordering upon the Eſtate of the Church, was liable to be diſturb'd by the Power of the Popes; ſome of them, unwilling to bear the Yoke, were in continual Enmity and War with them, and often made themſelves Maſters of *Rome*; others more peaceable, did not think fit to quarrel with them, remembering the Calamities that had happen'd on that account, in the Reign of the *Suevi*, and the latter Debates which King *Alphonſus* I. and *Ferdinand* his Son had often with them; and ſeeing the Juriſdiction of the Borders, Tribute, Collation of Benefices, Tenures of the Barons, and many other Differences would ſtill be Bones of Contention, they reſolv'd to cultivate Friendſhip with them, judging themſelves abundantly ſecure if they had all, or at leaſt a Part of the moſt powerful Barons of the *Roman* Juriſdiction depending on them [1].

WE ſhall now ſpeak of the *Roman* Pontiffs, as Princes; and I look upon it as a better way to handle their Caſe as ſuch, on this Subject of *Inveſtitures*, than to bring them on the Stage in the other Quality. If ſecular Princes will but look narrowly into the firſt Riſe of their Kingdoms and Monarchies, few will be able to make good their Titles; for the beſt of them will be found grounded either on War, Uſurpation or Rapine; but long and peaceable Poſſeſſion for many Ages, gives them ſufficient Right to the lawful Poſſeſſion of them now, and it would be unjuſt to invade them. Thus if we conſider the Popes as ſecular Princes, poſſeſſing many States in *Italy*, though they cannot ſhew a lawful Title to their Claim of *Inveſtitures*, as we ſhall ſee anon, yet it cannot be reckon'd null and void, becauſe of their long Poſſeſſion. But what is thought ſufficient to a temporal Prince, perhaps will not ſupport the Claim of the Vicars of *Jeſus Chriſt*: They ought to make a nice Inquiry, not ſo much into the Time and long Poſſeſſion, as into the Riſe, the Occaſions, the Rights and firſt Grounds of their Acquiſitions.

BUT before we come to lay open theſe Sources, and how in thoſe Times the *Roman* Pontiffs, by means of theſe Inveſtitures began to incroach upon the temporal State of theſe Provinces, and at laſt made them Feudatory, it will be neceſſary that we give a ſuccinct Account of the State they were in in thoſe Times, and by what Princes they were govern'd.

THE three Principalities of *Benevento*, *Salerno* and *Capua* were ſubject to the *Longobard* Princes: *Pandulphus* III. with his Son *Landolphus*, reign'd in *Benevento*; *Guaimarus* IV. in *Salerno*, and *Pandolphus* in *Capua*. The Dukedom of *Amalphis*, with that of *Sorrento*, which formerly belong'd to that of *Naples*, were ſubject to *Guaimarus*. The Dukedom of *Gaeta* was govern'd by *John*; and that of *Naples* by *Sergius*. The greateſt Part of *Puglia* was under the Dominion of the *Normans*, and *Calabria* was in danger, but as yet belong'd to the Empire of the Eaſt. The Emperors both of the Weſt and Eaſt, pretended equally to the Sovereignty and ſupreme Dominion of all theſe States. The Emperor of the Weſt, as King of *Italy*, claim'd it over all that Tract of Country, which formerly was comprehended in the antient Dukedom of *Benevento*, and included almoſt all the preſent Kingdom; ſo that he exerciſed all Sovereignty over the *Longobard* Princes, and took upon him to depoſe them and expel them their States, and to beſtow them on others. He claim'd the ſame over *Puglia* and *Calabria*, which formerly, for the moſt Part, were annex'd to the Dukedom of *Benevento*; and there being no End of Ambition, there was no Corner of theſe our Provinces, which he did not claim as ſubject to him; whereby he aſſum'd the Power of inveſting *Rainulphus* in the County of *Averſa*, tho' this City had been built within the Juriſdiction of the Dukedom of *Naples*, which by antient Right, belong'd to the Emperors of the Eaſt, and not to thoſe of the Weſt.

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[1] V. Guicciard. hiſt. Ital. lib. 1.

ON the other hand, the Emperor of the *Greeks*, perhaps on better Grounds, pretended that all theſe Provinces belong'd to his Empire of the Eaſt, from which they had been wreſted, and unjuſtly poſſeſs'd by the *Longobards*. That the Provinces of *Puglia* and *Calabria* indiſputably were ſubject to it, and that the Dukedoms of *Naples*, *Amalphis*, *Gaeta* and *Sorrento* held of it.

THE Sovereignty of theſe our Provinces was diſputed and ſtruggled for, betwixt theſe two Princes, which was the Occaſion of the many Wars we have related in the Courſe of this Hiſtory. Hitherto the *Roman* Pontiffs had not dream'd of claiming a third Share, nor pretended to any Sovereignty over them. Altho', by the Bounty of *Charles the Great*, and his Succeſſors, they had got a Share of the Spoils of the *Longobards*, which theſe had taken from the *Greeks*, whereby they became Lords and Maſters of the Dukedom of *Rome*, the Exarchate of *Ravenna*, *Pentapolis*, and ſome other Cities of *Italy*, as we have ſeen in the preceding Books of this Hiſtory; yet they had never intermeddled with theſe Provinces which now compoſe our Kingdom; and though we read in *Oſtienſis*, that they pretended to have a Right over *Gaeta*, and had poſſeſs'd it for ſome time, nevertheleſs it was ſoon recover'd by the *Greeks*, and afterwards govern'd by its own Dukes; and theſe very Pretenſions, which we read were confin'd to *Gaeta* alone, convince us the more, that all the Countries of the other Provinces were intirely out of the Queſtion. Neither in theſe Times could ſuch Pretenſions be grounded on the counterfeited Donation of *Conſtantine*, or on that of *Charles the Great*, or *Lewis the Good*; for it is the conſtant Opinion of the moſt grave Authors, that all thoſe Inſtruments and *Diploma*'s, in the Manner they are now conceiv'd, were forg'd in the Time of *Hildebrand*; and much leſs could their Pretenſions be founded on what we read of *Lewis the Good*, and the other Emperors his Succeſſors, their having confirm'd the Patrimonies of *Benevento*, *Salerno*, *Capua*, *Naples* and thoſe of *Puglia* and *Calabria*; for theſe Patrimonies, as we have ſeen elſewhere, were nothing but the Poſſeſſions, which the Church of *Rome*, by the Piety and Bounty of the Faithful, had in theſe Provinces, and were call'd St. *Peter*'s Patrimony; ſo that *Chioccarelli*[1] was in the wrong, in order to give a Foundation to theſe Inveſtitures, to rely on *Conſtantine*'s Donation, and the Grants of *Lewis* and *Otho*. Neither was it ever heard, that the Princes of *Benevento*, *Salerno* or *Capua*, and much leſs the *Greeks*, had ever acknowledg'd the *Roman* Pontiffs for their Sovereigns, or had ever ſought Inveſtiture of their Dominions, by becoming their Liege-men, or ſwearing Fealty and Homage to them.

'TIS very evident then, that the *Roman* Pontiffs had no manner of Superiority or any Right whatſoever, over theſe our Provinces, ſufficient to juſtify their Claim; but by the Opportunities that were laid open to them in theſe Times, and which they greedily embrac'd, and cunningly made uſe of, at laſt they acquir'd it in the Manner we are going to relate.

AFTER the Death of *Clement* II. which fell out in *Germany*, whither, Nine Months before, he had gone in Company with the Emperor; *Benedict*, who had been expell'd by *Henry*, and had retir'd to, and fortify'd himſelf in his own Caſtles, immediately invaded the Papacy a-new, but could not hold it above Eight Months, for the Emperor *Henry* quickly ſent *Popo* Biſhop of *Brixen*, from *Germany* to *Rome*, in order to ſucceed *Clement*, who took the Name of *Damaſus*. He died of Poyſon 23 Days after his Exaltation, and the *Romans* intreated *Henry* to ſend them for Succeſſor, *Bruno* Biſhop of *Toul*, a *German* by Nation, and of Royal Deſcent, but much more famous for his Learning and Sanctity: in the Year 1049, they elected him Pope, and he was nam'd *Leo* IX.

IT was then thought, as his Co-temporary Writers[2] report, that by the Election of ſo eminent a Perſon, in ſuch wretched Times, very rare to be found, the Affairs of *Rome*, and theſe our Provinces, would be reſtor'd to a State of Tranquillity, the Diſorders of the Clergy be at an end, and *Italy* enjoy a ſettled Peace; but tho' the Piety of *Leo* and his unſpotted Life were ſuch, that at laſt he was Canoniz'd; nevertheleſs tho' not ſo much by his own Inclination, as by the Inſtigation of others, he was reputed the Author of many Innovations, which produc'd ſad Diſorders, and very pernicious Conſequences. It was he, who, travelling through *France* in his Pontifical Habits, met *Hildebrand* a Monk of *Caſſino*, at *Clugny*, a Man of ſingular Cunning, and was perſuaded by him, to ſtrip himſelf of his Pontifical Garments, and enter *Rome* like a Pilgrim, and get himſelf elected Pope by the People and Clergy, in order to abrogate the Abuſe of receiving the High Prieſthood from Laick Hands. This was the Seed of the many Diſorders and cruel Wars, about Inveſtitures, betwixt the Popes and the Emperors of the Weſt, who ſeeing this Prerogative, which for many Years they had maintain'd, contraverted, march'd Armies in order to preſerve it, burning and deſtroying where-ever they went; and on the other Hand, the Succeſſors of *Leo*, and eſpecially this ſame *Hildebrand*, who was afterwards Pope, with Excommunications, Depoſitions and Conſpiracies, ſtirr'd up Children againſt their Parents, and put all *Europe* in Confuſion; ſo that being more influenced by *Leo*'s Example, than the Strength of Reaſon, the Popes became more bold and obſtinate in their Enterprizes.

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[1] Chioc. tom. 1. dell. Inveſt.

[2] Deſiderius Abb. Oſtienſ. lib. 2. cap. 81.

BUT much more pernicious, and of much worſe Conſequence was the other Example of *Leo's* putting himſelf at the Head of Armies. We have formerly ſeen the Popes *John* VIII. and X. at the Head of Armies; however they had at leaſt the Pretence of fighting againſt the perfidious and infidel *Saracens*, and their Adherents; but *Leo* took up Arms againſt the pureſt Chriſtians, ſuch as the *Normans* were, who, for Piety and Catholiciſm, were inferior to no Nation whatſoever; he fought without a reaſonable Cauſe, or Pretence of Religion; but purely for enlarging the temporal Power of the Church, and increaſing her worldly Riches; he made a moſt unjuſt War, ſo unpleaſant to God, that his Wrath and Indignation were viſible in the unhappy Succeſs. If his Predeceſſors, who, for their abominable Lives, were look'd upon as the Plagues of Mankind, had undertaken ſuch a War, the Example wou'd not have had ſuch miſchievous Effects on his Succeſſors; but being done by *Leo*, a Holy Pope, it made them the more bold, and afterwards to be guilty of greater Extravagances and Novelties; not adverting to what *Peter Damian*, a Co-temporary Writer, ſpeaking of this Conduct of *Leo*, ſays, That the Apoſtle *Peter* was a Saint, not becauſe he denied Chriſt, but on account of his other excellent and incomparable Virtues; ſo *Leo*, not for this Deed, but becauſe of his Innocence and unſpotted Life, deſerv'd this Title.

LEO IX. out of Piety and Devotion, had frequent Occaſions of viſiting many Parts of theſe Provinces. This ſame Year 1049, in which he was advanc'd to the Pontificate, and in which *Pandolphus* Prince of *Capua* died, he came to viſit the Sanctuary of *Monte Gargano*, and in his returning, that of *Monte Caſſino*, where he convers'd very familiarly with theſe Monks, and adorn'd that Monaſtery with many Prerogatives, and from thence went to *Rome*. But ſoon after in the following Year 1050, he return'd hither anew; there are ſome who write, that this ſame Year he held a Council in *Siponto*, where he depos'd two Archbiſhops; but *Wibertus* alone makes mention of this *Sipontine* Council, for *Oſtienſis*, nor any other Writers do not ſo much as ſpeak of it. After having viſited theſe Sanctuaries, he reſolv'd to ſee the moſt conſpicuous Cities of the Country; he went firſt to *Benevento*, where he had an Opportunity to gain the Affections of theſe Citizens, and make them to be at his Devotion; for this City being ſtill under the Interdiction of his Predeceſſor *Clement*, he took that off.

THE next Year he went to *Capua*, from thence he return'd a ſecond Time to *Benevento*, and the ſame Year 1051, he likewiſe viſited *Salerno*. This City the following Year 1052, was in the greateſt Confuſion, on account of the horrible Aſſaſſination of *Guaimarus* by a Conſpiracy, contriv'd againſt him by the *Amalphitans*, whom he had us'd ill, and by their Adherents and ſome *Salernitans*, who having cruelly murder'd him on the Sea-ſhore, ſurpriz'd the City. But *Guido*, the Brother of *Guaimarus*, being aſſiſted by the *Normans*, the fifth Day after retook it, and reſtor'd it to *Giſulphus* the Son of *Guaimarus*, who ſucceeded his Father in the Principality[1].

BUT during the Stay which the Pope made in theſe Cities, he was glad to hear the Complaints of the *Puglian* and *Longobard* Princes againſt the *Normans*, who growing ſtronger every Day by their new Acquiſitions in *Calabria*, and the Principality of *Benevento*, began to create Jealouſy in their neighbouring Princes, and eſpecially in Pope *Leo*, who, as his Predeceſſors had been jealous of the *Longobards*, could not endure the Proſperity of the *Normans*, and finding they would not eaſily part with what they had once acquir'd, and that they frequently incroach'd upon the Poſſeſſions of the Churches, he thought it inconſiſtent with his own Intereſt, that of the Emperor his Couſin, and of *Italy*, to ſuffer this Nation to proceed in their Conqueſts; therefore he reſolv'd to go to *Germany*, as he did this ſame Year 1051, and laid before the Emperor *Henry*, that the *Normans* were now become very grievous to the Inhabitants of the Country, by extending their Limits beyond the Places with which he had inveſted them, and that they attempted to ſubject all theſe Provinces, and withdraw them from their Allegiance to the Empire of the Weſt; that they were ſo inſolent as even to rob the Goods of the Churches; that they were no longer to be born with, becauſe they would occaſion greater Miſchief, but ought to be expell'd *Italy*; that he himſelf had Courage enough to do it, and if the Emperor would ſend a good Army into *Italy*, he would put himſelf at the Head of it, and drive theſe Tyrants quite out of the Country. *Leo* prevail'd ſo far with *Henry*, that he conſented to his Requeſt, and having caus'd a powerful Army to be aſſembled, gave him the Command of it, with which he march'd towards *Italy*. But *Geberardus* Biſhop of *Eichſtat*, a Creature and Counſellor of the Emperor, diſapprov'd of it, as ſcandalous in the Popes to put themſelves at the Head of Armies againſt Chriſtians; and could not forbear chiding the Emperor, and wrought ſo much upon him, that all the Army, except a few Troops left with *Leo*, was countermanded. Neither ought it to be paſs'd over in Silence, that this ſame Biſhop, when he was afterwards Pope, by the Name of *Victor* II. preſently was of another Mind, and was ſorry for what he had done, in depriving *Leo* of ſuch powerful Aſſiſtance, perhaps thinking, that he would have been able to have advanc'd the Intereſt of his See thereby, more than he had done, ſeeing by his Impriſonment he had made it worſe.

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[1] Oſtienſ. lib. 2. cap. 85.

NEITHER did *Leo* neglect at this Juncture to take Care of the Intereſt of the Church of *Rome*, by a Commutation, in which both himſelf and the Emperor found their Advantage. *Henry* I. by the *Germans* nam'd II. out of his own Patrimony, had caus'd to be built a magnificent Church in *Bamberg* in Honour of St. *Gregory*; and being deſirous to have it erected into a Cathedral, got Pope *Benedict* to conſecrate and erect it into an Epiſcopal See; but the Emperor was oblig'd, by way of yearly Tribute, to preſent to the Church of *Rome*, a fine white Horſe, with all his Trappings and Furniture, beſides a hundred Marks of Silver likewiſe every Year. *Henry the Black* now reſolv'd to get this Church freed from that Tribute and Subjection to the Church of *Rome*, as too great a Burthen upon it; *Leo* did not refuſe to do it, but it could not be executed without ſomething elſe was given to the Church of *Rome* in lieu of it, therefore he thought on ſome Expedient, which was quickly found out to both their Advantages.

HENRY, by reaſon of the Indignity the *Beneventans* had put upon him, in ſhutting him out of their City, mortally hated *Benevento*; and conſidering that it would be a difficult Matter for him to bring it under his Obedience, in order to be reveng'd, he reſolv'd to exchange it with the Pope for the Claim he had on *Bamberg*. The State of the Principality of *Benevento* at this Time, as we have ſaid, was this: The City was govern'd by Prince *Pandulphus* and *Landulphus* his Son, but a great Part of it was already under the Dominion of the *Normans*, to whom this ſame *Henry*, on the Occaſion we have told, had given all the Lands of *Benevento*; neither had the *Normans*, who, without ſuch a Gift, were ready enough to incroach upon their Neighbours, neglected to poſſeſs themſelves of the reſt of the Principality. Thus *Henry*, who parted with little of his own, except the Right of Sovereignty, which he pretended to over that City, then poſſeſs'd by *Pandulphus*, gave the City of *Benevento* to *Leo* in exchange, which he had not granted to the *Normans*, it not being included in the *Beneventan* Territories with which he had ſome Time before inveſted them. And 'tis not to be thought, that this Exchange could have been made for the whole Principality of *Benevento*, tho' at this Time it had been much leſſen'd by the Principalities of *Salerno* and *Capua* being wreſted from it; nevertheleſs it comprehended many Cities and Towns of the large Province of *Sannio*, in which were contain'd the two *Apruzzi*, the County of *Moliſe*, and alſo many other Parts of other

Provinces; and it would be Folly to think that the Principality of *Benevento* would have been given in Exchange for a hundred Marks of Silver, for the white Horſe was not remitted; neither truly can it be conceiv'd, how certain modern Writers, ſome inconſiderately, others maliciouſly, could take upon them to write ſuch Extravagances without the Support of any cotemporary Writer, and inſtead of the City of *Benevento*, to write the Principality of *Benevento*; for we have no Writer more ancient, that mentions this Exchange, than *Leo Oſtienſis* [1], who plainly relates, as the Thing itſelf demonſtrates, that there was ſuch an Exchange of the Biſhoprick of *Bamberg*, for the City of *Benevento*, and not for the Principality; and *Petrus Diaconus* [2], who wrote ſoon after *Leo*, mentions only the City, and not the Principality; and the Event evinces the Truth of it, for the Church of *Rome* has retain'd the City only, and not the Principality, over which it never pretended the leaſt Right, but it has undergone the ſame Fate with all the other Provinces, as will be ſeen in the Courſe of this Hiſtory. But this Exchange did not take Place at this Time; for tho' upon *Leo*'s coming into *Italy* with the Troops which the Emperor had given him, Prince *Pandulphus* and his Son had been baniſh'd that City [3], and a certain *Rodulphus* elected Prince of *Benevento*, yet nevertheleſs they ſoon return'd, and poſſeſs'd *Benevento* many Years, until they were expell'd it by *Robert* in the Year 1076, from which Time by Agreement made with the *Normans*, the City of *Benevento* began to be govern'd by the Church of *Rome*, and the Principality by the *Normans*, as we ſhall relate hereafter; ſo that the new *Neapolitan* Hiſtorian [4] is widely miſtaken, who with a great Oſtentation of Eloquence in relating the Tranſactions about this Exchange, ſays, it was made with the Principality of *Benevento*; and it ſeems he never had read *Oſtienſis*, who ſpeaks only of the City of *Benevento*.

IN the mean time, *Leo* having put himſelf at the Head of a great Army compos'd of *Germans*, and a good Body of *Italian* Troops, conſiſting not only of Laicks, but alſo Clergy [5], gave the Command of the *Germans* and the *Suevi*, to *Guarnerius* a *Suevian*, and of the reſt to *Albertus Tramundus*, *Aſto*, and *Rodulphus*, whom a little before he had made Prince of *Benevento*, and march'd the Army towards *Puglia* in order to find the *Normans*, who being much inferior in Number, he believ'd he could eaſily defeat and drive them out of *Puglia*, and all the Places they had hitherto conquer'd.

THE *Normans* being ſurpriz'd at the News of this March, were terribly afraid, not only becauſe by the Conſpiracy hatch'd againſt them by *Argirus* they had loſt their chief Commanders, and the greateſt Part of the gallant Warriors, but likewiſe becauſe they had to do with an Army not compos'd of *Greeks* and *Puglians*, but of *Germans*, Men of prodigious Stature and Strength, couragious and ſkill'd in military Affairs; beſides they could not truſt the *Puglians*, by reaſon of the Hatred they bore them. Therefore they bethought themſelves of Means how to ward off the impending Danger; whereupon they ſent Ambaſſadors to the Pope to deſire Peace of him; they offer'd to ſubject themſelves in all Matters relating to him; that they pretended only to poſſeſs thoſe Lands they had acquir'd with the Sweat of their Brows and their Arms; that they had not robb'd the Churches, offering their Service with all the Submiſſion and Reſpect imaginable. But *Leo*, who thought he was ſure of Victory becauſe of his ſtrong Army, and being likewiſe puſh'd on by the *Germans*, who deſpis'd the *Normans* on account of their low Statures, diſmiſs'd the Ambaſſadors with a very harſh Anſwer, That he would make no Peace with them, unleſs they would march out of *Italy*; but they replied, That it was next to impoſſible to oblige ſo great a Multitude to go ſhift for themſelves and Families; all their Requeſts were to no Purpoſe, they were ſent back without concluding any Thing.

WHEN theſe hard Terms were reported to the *Normans*, they became deſperate, and reſolv'd rather to die honourably, than baſely and ſhamefully to part with what they had acquir'd with ſo much Toil and Labour; and notwithſtanding the Inequality of their Forces, and want of Proviſions, choſe to accept of the Battle, tho' with ſo great Diſadvantage, and every one of them to die or be Victorious.

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[1] Oſtienſ. lib. 2. cap. 46. Poſtmodum Leo IX. Papa Vicariationis gratia Beneventum ab Henrico, Corradi filio recipiens, prædictum Epiſcopium Bambergenſe ſub ejus ditione remisit, equo tantum quem prædiximus ſibi retento.

[2] Petr. Diac. ad Oſtienſ. lib. 2. cap. 84.

[3] Chron. Duc. & Princ. Benev. apud Pellegr. pag. 266. & exiliati ſunt.

[4] P. Giannettaſ. hiſt. Neap. lib. 9.

[5] Lambert. apud Baron. A. 1053. num. 3. Item, alios quamplures tam Clericos, quam Laicos in re militari probatiſſimos.

THEREFORE they divided their Army into three Bodies, and gave the Command of them to their moſt renown'd Captains, of which Count *Umfred*, *Robert Guiſcard*, and *Richard* Count of *Averſa*, the Son of *Aſclettinus*, who had ſucceeded *Rodulphus*, were the moſt eminent.

IN the mean time *Leo* drew up his Army in Order of Battle in a great Plain near *Civitade*, in the Province of *Capitanata* [1], and having diſpos'd it under the foreſaid Commanders, there was nothing to hinder the two Armies from engaging, but a little Hill that divided them. The *Normans* were the firſt that mounted it in order to view the Enemy, and finding that they conſiſted of a great Number of *Italians*, who knew nothing of military Diſcipline, and a few *German* Troops regularly drawn up, and much more to be fear'd, took their Meaſures accordingly, and divided their ſmall Army into three Bodies. The right Wing was given to *Richard* Count of *Averſa*, in order to charge the *Italians*; *Umfred* commanded the main Body, with what Cavalry there was for attacking the *Germans*; and *Robert Guiſcard* had the left Wing, with a good Number of choſen *Calabrians* who had ingag'd in their Service ever ſince they had been in that Country. He had Orders not to advance much, but to ſerve for a ſmall *Corps de Reſerve*, to be always ready to ſuſtain the reſt of the Army, and in Time of need to ſupply it with freſh Troops.

RICHARD firſt of all charg'd the *Italians* commanded by *Rodulphus* ſo ſuddenly and reſolutely, that they had not time to make the leaſt Reſiſtance. Their Fear put them into ſuch Confuſion, that in Retreating, the one half bore down the other, and *Richard* gallantly purſuing them, they took themſelves to a ſhameful Flight, ſo that this brave Commander, what with the Sword, and what with Darts, made a terrible Slaughter [2].

COUNT *Umfred* had much ado to manage the *Germans*, and eſpecially the *Suevi*. He diſcharg'd a terrible Shower of Arrows upon them, which they return'd him in the ſame Manner, after which they fell upon one another with their Swords, and made a dreadful Slaughter on both Sides. Then *Robert Guiſcard* thought it time to come to his Brother's Aſſiſtance; which he did immediately, with *Pandulphus* and *Landulphus* his Son, who had been baniſh'd *Benevento* [3], back'd likewiſe by his *Calabrians*, who under his Diſcipline had become gallant Soldiers; he threw himſelf with Fury into the Midſt of the Enemy. The Battle was deſperate, and the Bravery of *Robert* incredible; ſo that at laſt he defeated and put the Enemy into ſuch Confuſion, that after having made a prodigious Slaughter, perceiving there were ſtill ſome remaining, he made a freſh Attack, and cut them all to pieces [4].

THE Pope, who at a little Diſtance beheld this bloody Tragedy, ſeeing himſelf brought into ſuch Diſtreſs, when he leaſt thought of it, reſolv'd to retire to the City of *Civitade* [5]; but he was not long ſafe there, for it was preſently beſieg'd, and he forc'd to ſurrender. One may eaſily conceive what Perplexity of Mind the Pope was in, and how he was puzzled when he fell into the Enemies Hands, whom he had treated ſo harſhly and ſeverely, and whom he took to be a barbarous and inhuman People, without Religion, and had deſcrib'd them as ſuch to the Emperor *Henry*.

BUT he quickly found how much the *Normans* had the Chriſtian Religion at Heart, and what Regard they had for him, whom they reſpected as the Head of the Chriſtian Church, and Vicar of *Jeſus Chriſt*. For ſeeing as a Secular Prince he had made War againſt them, they might have treated him as they thought fit *Jure Belli*, and according to the Laws of Victory. But they were not then ſo learn'd, as to conceive a Diſtinction betwixt two Perſons in one Man, an Invention of Churchmen to cloke the monſtrous Conduct of a Pope, which was no ways conſiſtent with the Character of St. *Peter*'s Succeſſor. They look'd upon him always on account of his ſublime Character, as worthy of the utmoſt Reſpect and Veneration, Religion, which they ſo much regarded, could inſpire, and with ſingular Piety, and profound Reſpect, conducted him honourably and decently to their Camp. They not only ſet him at Liberty, but *Umfred* took his Parole, and with a great many of his Officers accompanied him to *Benevento* [6], and beſides told him, that if he had thought fit to go to *Rome*, they would have accompanied him to *Capua*[1]. The Pope, ſurpriz'd at this Generous and Chriſtian Behaviour, not only chang'd the bad Opinion he had formerly entertain'd of them, but repented him of what he had hitherto done ſo unadviſedly and unbecoming his Character, and bitterly lamented his Miſfortunes. He enter'd *Benevento* on the Eve of St. *John*, in the Year 1053, and continu'd there to the 12th of *March* of the following Year 1054, the Feſtival of St. *Gregory* the Pope[2]; and there, by reaſon of the Fatigue he had undergone, and an Oppreſſion of his Spirits, fell ſick, and ſent for Count *Umfred*, who conducted him to *Capua*, where he ſtay'd twelve Days and then return'd to *Rome*. Upon his Arrival there, in order to reconcile the Differences which in theſe Times were become more implacable than ever betwixt the Churches of *Rome* and *Conſtantinople*, he ſent three Legates to the Emperor *Conſtantinus Monomachus*, to wit, *Peter* Archbiſhop of *Amalphis*, *Frederick* his Chancellor, and *Umbertus* Biſhop of St. *Rufina*, which Biſhoprick was afterwards by *Calixtus* II. annex'd to that of *Porto*; but this Legation was not ſucceſsful, for *Leo* ſoon after, with great Signs of Piety and Repentance, ended his Days in the Month of *April* this Year 1054; and for his Sanctity and upright Life, was eſteem'd a Saint.

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[1] Malaterra, lib. 2. c. 14.

[2] Oſtienſ. lib. 2. cap. 87.

[3] Chron. Duc. & Princ. Benev. apud Pellegr. pag. 266.

[4] Oſt. loc. cit. Omnibus tandem in ipſo certamine trucidatis, Normanni Dei judicio extitere victores.

[5] Malater. lib. 2. cap. 14. Intra Urbem Provinciæ Capitanatæ, quæ Commitata dicitur.

[6] Anonym. Barenſ. apud Pellegr. A. 1052. Comprehenſerunt illum, & portaverunt Benevento, tamen cum honoribus.

IN this Juncture of Affairs 'tis ſaid, that *Leo*, after having abſolv'd the *Normans* from the Cenſures, and the Offences which he reckon'd they had done him, gave to *Umfred* and his Heirs, the Inveſtiture of *Puglia* and *Calabria*, and likewiſe of all they could conquer in *Sicily*, and that *Umfred* on the other Hand, paid Homage to the Holy See for theſe Lands, as Fiefs depending on it; and that this was the firſt Inveſtiture the *Normans* had, as *Inveges* and others write.

INDEED *Malaterra*[3], ſpeaking of the Submiſſion and Reſpect the *Normans* pay'd *Leo* at this Juncture, ſays, That this Pope, as an Acknowledgment, *Omnem terram, quam pervaſerant, & quam ulterius verſus Calabriam, & Siciliam lucrari poſſent de Sancto Petro hæreditali Feudo ſibi, & hæredibus ſuis poſſidendam conceſſit.* But this was nothing elſe but a Teſtimony of his Friendſhip for the *Normans*, who wanted nothing of him but to bleſs their Arms, in order to juſtify all their future Undertakings; which the *Normans*, as being a religious People, deſir'd at leaſt, as a Pretence to vindicate their Acquiſitions, and have the Popes for their Friends, who at that Time, by their Cenſures and Excommunications had become terrible to Princes. Theſe were the Beginnings of our Papal Inveſtitures, which afterwards were brought to Perfection by *Nicholas* II. by thoſe Inveſtitures he gave to *Robert Guiſcard* of the Dukedoms of *Puglia* and *Calabria*, and of *Sicily*, as we ſhall relate.

MEAN time the *Normans* having defeated *Leo*'s Army, though they had treated himſelf with ſo much Reſpect, and made him their Friend, thought fit not to ſlip ſo favourable an Opportunity of extending their Dominion, and carrying their Arms further. They reſtor'd nothing to the Pope of what he pretended to in *Benevento*; for tho' *Pandolphus* Prince of *Benevento*, and *Landolphus* his Son, upon *Leo*'s coming, had been baniſh'd that City, nevertheleſs after *Leo*'s Defeat by the *Normans*, whom they aſſiſted in the Battel, they return'd anew to govern *Benevento*[4]; and it was not rul'd by the Church of *Rome* till many Years after, ſo that the Exchange made with *Henry*, did not take Place at this Time, and their Poſſeſſion of it was more owing to the Bounty of the *Normans*, than to that Exchange; for which we need no better Teſtimony than the antient Chronicle of the Dukes and Princes of *Benevento*, the Author of which was a Monk of the Monaſtery of St. *Sophia* in that City, and it is preſerv'd in the Archives of the *Vatican*, which the moſt careful *Pellegrinus* caus'd to be printed, to whom it was ſent from *Rome* by the Abbot *Conſtantinus Gaetanus* a Monk of *Caſſino*, who had tranſcrib'd it from an antient MS. in the *Vatican*[5]. In this Chronicle[6] we read, that though *Pandulphus* and *Landolphus* his Son, who govern'd *Benevento*, were baniſh'd on the coming of *Leo*, nevertheleſs 'tis ſubjoin'd, that they return'd thither, and that *Pandolphus* after having reign'd many Years there, forſook the World and turn'd Monk in the ſame Monaſtery of St. *Sophia*, leaving *Landolphus* his Son for Succeſſor, who held the Principality to his Death in the Year 1077. Whence we are clearly convinc'd that the Exchange with *Henry* did not take Place; but if the Church of *Rome* acquir'd this City afterwards, it was owing to the Bounty of the *Normans*; as for the Right ſhe had by Virtue of that Exchange made with *Henry*, it was given up, as ſhall be ſeen by and by.

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[1] Oſtienſ. lib. 2. cap. 87.

[2] Malater. lib. 1. cap. 14. Oſt. loc. cit.

[3] Malater. lib. 2. cap. 14.

[4] Chron. Duc. Benev. apud Pell. p. 266. Poſtmodum autem reverſ. ſunt in Beneventum.

[5] Pellegr. de Chronica Ducum & Princ. Ben. pag. 262. Idem in Stem. & alibi pluries.

[6] Chron. num. 8. & 9. apud Pellegr. pag. 266.

THE *Normans* took care to make their Advantage of this Victory, for they ſubjected all *Puglia* to their Dominion, after Thirteen Years Wars, from the Time they invaded it. They took from the *Greeks*, *Troja*, *Bari*, *Trani*, *Venoſa*, *Otranto*, *Acerenza*, and all the other Cities of this Province, ſo that *Gulielmus Puglienſis* might well ſay;

> *Jamque rebellis eis Urbs Appula nulla remanſit:*
> *Omnes ſe dedunt, aut Vectigalia ſolvunt.*

FROM this time they were ſolely intent on the Conqueſt of *Calabria*, as we are now going to relate.

CHAP. IV.

The Conqueſt of Calabria *by the* Normans. *Pope* Stephen *oppoſes it; but he dying opportunely in* Florence, *all his Meaſures were broke.*

THE Election of a Succeſſor to *Leo* IX. occaſion'd new Diſorders in *Rome*, and after that Church, by reaſon of oppoſite Factions, had been a Year without a Head, at laſt the famous *Hildebrand*, who had come to *Rome* from the Monaſtery of *Clugny*, and was made Sub-Deacon of that Church, being a Man of exquiſite Cunning, was imploy'd to put an end to all theſe Diſputes. The *Romans* not finding a fit Perſon in *Rome* to be Pope, ſent *Hildebrand* to the Emperor in *Germany*, to deſire ſuch a one as he, in the Name of the Clergy and People of *Rome*, ſhould pitch upon; the Emperor conſented, upon which he demanded *Geberardus* Biſhop of *Eichſtat*, whom we lately mention'd: Tho' much againſt the Emperor's Inclination, who was unwilling to part with him, *Geberardus* came to *Rome*, and being plac'd in that See, was nam'd *Victor* II.[1]. He had no ſooner mounted the Pontifical Throne, than he preſently was of an Opinion, contrary to what he had while he was in *Germany*, where he had oppos'd the Aſſiſtance demanded by *Leo*, which, when Pope, he heartily repented; and if his Pontificate had not been ſo very ſhort, and his Power greatly diminiſh'd by the late Defeat, and that of the *Normans* increaſ'd, they had found *Victor* of the ſame Mind with *Leo*.

BUT he died in *Florence* in the Year 1057, two Years after his Exaltation, and *Frederick* Abbot of *Monte Caſſino* and Cardinal, was elected in his Place, who took Poſſeſſion of that See on the Feſtival of St. *Stephen*, and therefore call'd himſelf *Stephen* X. by ſome, for Reaſons formerly related, nam'd *Stephen* IX. He followed the ſame Footſteps with his Predeceſſors. It has been obſerv'd with Aſtoniſhment by the careful Searchers into the Deeds of the Popes, that though their Predeceſſors, in order to ſupport their Undertakings, had ſuffered Death, Impriſonment and other Calamities; yet for all that, their Succeſſors were not deterr'd from purſuing the ſame Meaſures, but expos'd themſelves more obſtinately to all Dangers and Perſecution.

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[1] Oſtienſ. lib. 2. cap. 89.

ſecution. They were perſuaded that the Growth of the *Normans* in theſe our Provinces, was their Fall and Decay, as they had been jealous of the *Longobards*, when they became too powerful in *Italy*. Therefore the Popes charg'd the *Normans* with a Thouſand Enormities, ſuch as robbing of Churches, laying waſte Provinces, and in fine, made them to be hated by the Country People, that thereby they might juſtify their own Undertakings, and impoſe them upon the World as Praiſe-worthy. And though they could not pretend to any Right of Sovereignty over theſe Provinces, yet their Jealouſy oblig'd the *Normans*, who, before this, had none to ſtruggle with but the Emperors of the Eaſt, from whom they wreſted theſe Provinces, now to be on their Guard againſt the Popes, who, as if the Wrong had been done to themſelves, vigorouſly oppos'd their Deſigns, and did their utmoſt to put a Stop to their Progreſs.

FORMERLY, as may have been obſerv'd in the Courſe of this Hiſtory, when the Popes were not ſo powerful, they were wont to crave the Aſſiſtance of foreign Princes, as in order to expel the *Longobards*, they had recourſe to the *French*; whereas now being grown more powerful by their temporal Dominion over ſo many States, when other Succours were at a great Diſtance, and there were no Hopes of getting any from the Emperor, and their own Dominions, were able enough to furniſh them with Troops; they acted by themſelves, and when theſe fail'd, they had recourſe to ſpiritual Arms and Excommunications, to which the Influence of Religion had given ſo much Vigour and Terror, that they were not only dreadful to the People and Princes, but, which is ſurprizing, were formidable and frightful to the very Officers and Soldiers, who, though for the moſt part they were profligate Men; and made no Scruple to lead wicked Lives, and rob their Neighbours, without minding that thereby they offended the divine Majeſty, yet ſtood in Awe of Eccleſiaſtick Cenſures.

STEPHEN, upon his Advancement to the Papacy, prepar'd immediately to drive the *Normans* out of *Italy*. He was deſcended originally from the Dukes of *Lorrain*, and being of Royal Blood, reſolv'd to ſignalize his Pontificate with great and remarkable Actions. He had firſt been made Chancellor of the Apoſtolick See by *Leo* IX. afterwards Abbot of *Monte Caſſino*, and by *Victor* II. Cardinal. Being now rais'd to the Papacy, he had a Mind, in Imitation of *Leo*, to expel the *Normans* out of *Italy*[1]; but being born for greater Things, prepar'd himſelf for a more noble Undertaking.

THE Year before, which was 1056, *Henry* had died in *Germany*, and left a Son Seven Years old, who afterwards ſucceeded him in the Empire, likewiſe nam'd *Henry* after his Father. There's great Confuſion in the Number of theſe *Henrys* amongſt the *German* and *Italian* Writers. *Henry the Black*, by the *Germans* is call'd III. and by the *Italians* II. not reckoning the other *Henry*, who was only King of *Germany*, but never Emperor. We ſhall follow the *Italians*, and call the Succeſſor of *Henry the Black*, *Henry* III. not IV. *Henry* died after having reign'd Seventeen Years and Four Months. His Laws were collected by *Godalſtus*[2], and *Cujacius* has recorded ſome of them in his Fifth Book of Fiefs.

On account of the Minority of the Son, the Empreſs *Agnes* his Mother, took the Government upon her. *Stephen* taking advantage of the Time, reſolv'd to raiſe Duke *Godfrey* his Brother, to the Imperial Throne, with a Deſign to joyn his own Forces with thoſe of his Brother, in order to drive the *Normans*, whom he mortally hated, the more eaſily out of *Italy*.

BUT in the mean Time, theſe gallant Champions had made wonderful Progreſs in *Calabria*, under the famous *Robert Guiſcard*, to whom Count *Umfred* his Brother, had ſent a good Body of Troops to be employ'd in the Conqueſt of this Province[3]. After they had made themſelves Maſters of *Melvito*, by a cunning Stratagem of *Robert*, they had extended their Limits further, and ſoon after added the Cities of *Biſignano*, *Coſenza* and *Martura* to their Dominion.

NEITHER did the Death of *Umfred*, which happen'd about the Year 1056, interrupt the Courſe of their Conqueſts, but they rather went on at a greater Rate; for *Umfred* having left only two young Sons, *Bacelardus* and *Hermanuus*, recommended the Government of his Dominions to *Robert* his Brother, as he did alſo his

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[1] Oſtienſ. lib. 2. c. 56. & 99.

[2] Goldaſt. tom. 3. pag. 312.

[3] Gul. Ap. lib. 1. Roberto fratri Calabras acquirere terras concedit.

Children, eſpecially *Barcelardus* the Eldeſt; ſo that *Robert* having ſucceeded in the County of *Puglia*, ſtruck Terror in all the neighbouring Princes, more eſpecially in Pope *Stephen*, who hated him the more on that account.

BUT *Stephen*, though he had Courage enough to undertake, yet he wanted Power, or rather Money, to drive the *Normans* out of *Italy*; therefore all his Thoughts were imploy'd how to fill his Coffers, and the Affair he was engag'd in, put him upon too deſperate and ſcandalous Methods. He, who from Abbot of *Monte Caſſino*, had been rais'd to the Chair of St. *Peter*, even now when he was Pope, reſolv'd to retain that Abbacy, nor would he allow of another to be choſen in his Room; ſo that by a double Right, he diſpos'd of that Monaſtery at his own Will and Pleaſure[4]. By the many Oblations of the Faithful in theſe Times, in which the Monks had ſucceeded too well, they had amaſs'd a vaſt Treaſure of Gold and Silver, which they kept in this Monaſtery with great Care and Circumſpection: *Stephen* ſeeing he had no other way for obtaining his End, reſolv'd to have it in his Clutches, therefore he order'd the Overſeer to bring all the Treaſure of Gold and Silver that was in the Monaſtery privately to *Rome*. He deſign'd to carry it to *Tuſcany*, where his Brother *Godfrey* was, and impart his Deſign to him, that they might return together to drive the *Normans* out of *Italy*. One may eaſily judge what Conſternation the Monks were in on the News of ſo miſchievous an Order: With Lamentations and Tears they endeavour'd to divert the Pope, but all in vain, ſo that at laſt, being forc'd by cruel Neceſſity, they pack'd up the Treaſure, and carried it to *Rome*. When the Pope ſaw it, and at the ſame Time obſerv'd the Grief and Anguiſh of the Monks that brought it, ſtruck with the Monſtrouſneſs of the Fact, and conſcious of the Heinouſneſs of the Crime, he preſently repented his having demanded it, and ſent it back again[2]. But ſhortly after, having gone to *Tuſcany*, where he ſtopp'd in *Florence*, he was ſuddenly ſeiz'd with a Faintneſs, which in a few Days, put an end to his Life in the Year 1058[3].

STEPHEN being dead, all his Deſigns evaniſh'd, which fell out ſo luckily for the *Normans*, that having none other to hinder their Progreſs, they were ſoon in a Condition to extend their Conqueſts, not only in *Calabria*, but alſo over the Principality of *Capua*, on an Occaſion we ſhall ſhortly relate.

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[1] Oſt. lib. 2. cap. 98.

[2] Oſtienſ.l ib. 2. cap. 99.

[3] Oſtienſ. lib. 2. cap. 100.

SECT. I.

Robert Guiſcard *is Proclaim'd firſt Duke of* Puglia, *and* Calabria.

IN the mean Time, on the Death of *Stephen*, *Rome* was again involv'd in Confuſion and Diſorders; for *Gregorio d'Alberico* Count of *Freſcati*, and ſome other *Roman* Lords, in the Night-time, with arm'd Force, plac'd *John* Biſhop of *Velletri*, in the Holy Chair, who took the Name of *Benedict*; but *Peter Damian*, a Man of Worth (who a little before had been call'd from *Eremo*, and made Biſhop of *Oſtia*) with the other Cardinals oppos'd this Election, and order'd Matters ſo, that *Hildebrand* in his Way from *Germany*, whither he had been ſent by *Stephen* to the Empreſs *Agnes*, hearing of theſe Diſorders, ſtopp'd in *Florence*, and endeavour'd to bring over the chief *Romans* from the oppoſite Faction, and with the Aſſiſtance of Duke *Goffredo* Marquis of *Tuſcany*, manag'd Matters ſo, that thoſe Cardinals, who had had no hand in the Election of *Benedict*, met in *Sienna*, and elected *Gerardo* Archbiſhop of *Florence*, Pope. The Empreſs *Agnes*, Mother of *Henry*, confirm'd the Election, and order'd Duke *Goffredo* to put *Gerardo* in Poſſeſſion, and expel *Benedict*, who voluntarily abdicated the Papacy; whereupon *Gerardo* went to *Rome*, and was acknowledg'd for lawful Pope, and nam'd *Nicholas* II. who ſhortly after in the Year 1059, held a Synod of 113 Biſhops, where *Benedict* appear'd, ask'd Pardon, and proteſted that he had been compell'd to do what he had done. In this Council Regulations were made concerning the Freedom of Elections, on a Vacancy of the See, and it was ordain'd, that the Cardinals ſhould have the greateſt Share in them;

then the Elected was to be declar'd to the Clergy and People, and laſtly, the Conſent of the Emperor was to be ask'd.

THESE Revolutions, which very frequently happen'd in *Rome*, and the many Diſorders in the Court of *Conſtantinople*, wonderfully contributed to the Growth of the *Normans*. They had nothing to fear from any Quarter; for the Minority of *Henry* III. during the Government of the Empreſs his Mother, made the Affairs of theſe our Provinces to be little minded. *Conſtantinople* was all in Diſorder and Confuſion, by reaſon of the Death of *Conſtantinus Monomachus*, which fell out in the Year 1054; for *Theodora* Siſter of *Zoe*, had ſucceeded in the Empire, and ſhe dying a Year after, *Michael Stratioticus* was put in her Room by the Officers of the Palace; but he became Monk afterwards, and voluntary renounc'd the Crown in the Year 1057; ſo that there aroſe new Factions about the Election of a Succeſſor, but that of *Iſaac Comnenus* being the ſtrongeſt, in the Year 1058, he was proclaim'd Emperor.

THE *Normans* therefore had a fair Opportunity for inlarging their Dominions, and thoſe of *Puglia* under the renown'd *Robert Guiſcard*, extended them almoſt over all *Calabria*. This Prince now Count of *Puglia*, was acknowledg'd, not as Tutor to *Bacelardo* his Nephew, but, according to *Gulielmus Apulienſis* [1], as Sovereign Lord. He appear'd not to be ſatisfied on this Occaſion with the ſimple Guardianſhip, as indeed he ſhew'd afterwards; but pretended to ſucceed to *Umfred*, as *Umfred* had ſucceeded to his elder Brothers, and he had already appointed *Roger* his younger Brother to ſucceed himſelf, with whom he had ſhar'd the Government, and therefore had created him Count. For this end he was wholly intent on driving the *Greeks* out of the reſt of *Calabria*; he took *Cariati*, and many other Places in the Neighbourhood, and at laſt march'd his Army to *Reggio*, the head City of the Province, and laid Siege to it. The Beſieg'd not able to hold out long, ſurrender'd it to *Robert*, who now Maſter of ſo famous and antient a City, was no longer ſatisfied with the Title of Count, but with ſolemn Ceremony caus'd himſelf to be proclaim'd Duke of *Puglia* and *Calabria*. *Leo Oſtienſis* [2] ſays, that it was the Honour of having taken *Reggio*, that gave Birth to this new Title. *Curopalata* writes, that it was the careleſs and childiſh Government of *Michael* VII. Emperor of the *Greeks* that gave Riſe to it; but *Pellegrinus* [3] ſhews us, that *Robert* did it in Emulation of the *Greeks*, and to pull down their Pride. In *Bari* they had made *Argirus* Duke of *Puglia*, though the greateſt Part of it was at this Time ſubject to the *Normans*; for though the *Greeks* had loſt whole Provinces, yet they ſtill retain'd the vainglorious Titles and Names of them, and often transferr'd them to other Parts, as they did with the Name of antient *Calabria*, which, as we have obſerv'd in the preceding Books, was no ſooner in the Poſſeſſion of the *Longobards*, than they transferr'd the Name of *Calabria* to another Province, which at that Time was ſtill ſubject to them.

THERE are various Opinions about the Manner how *Robert* came by this Title of Duke. *Leo* Biſhop of *Oſtia*, ſeems to ſay, That it was by an accidental Acclamation of the People; but *Curopalata* ſays, That the Lords and Barons of *Puglia* his Vaſſals, ſeeing that he had added *Calabria* to his Dominion of *Puglia*, with common Conſent agreed, that the Title of Duke ſhould be given to *Robert*, and reſerv'd to themſelves the Title of Counts over the Lands they had divided amongſt them; which ſhews us that *Sigonius* [4] is miſtaken, who pretends, that *Robert* being puff'd up with Pride on his having taken *Reggio* in *Calabria*, and ſoon after, *Troja* in *Puglia*, ſcorning the old Title of Count, of himſelf, and by his own Authority, took the Title of Duke of *Puglia* and *Calabria*.

AUGUSTINUS INVEGES [5] imagines, that the ſame Ceremonies then us'd in *France* at the Creation of a new Duke of *Normandy*, as they are deſcrib'd by the antient Writers of the Hiſtory of the *Normans*, were practis'd at the Creation of this new Duke; where 'tis ſaid, that the Archbiſhop after ſome Prayers, and the Oath which the new Duke ſwore to defend the People committed to him, and to govern them with Juſtice, Equity and Mercy, gave him the Ring, and afterwards girt him with the Sword ; whence, ſays he, 'tis very probable, that *Guiſcard* the *Norman*, being to be created Duke of *Puglia* in *Italy*, made uſe of the ſame Ceremonies. Dukes had alſo their particular Crowns, Caps of Maintenance, Mantles, and their proper Titles. The Ducal Crown which they put above their Arms, as *Scipio Mazella* deſcribes it [1], was a Circle without Rays, or rather Points upwards, (which belong'd to Princes only) but in place of Points, they had ſome Pearls, and Jewels ſet round it. The Cap, which was the ſecond Mark of a Duke, as *Bartholomæus Caſſaneus* [2] deſcribes it, was in the Form of a Hat, ſurrounded with a round Crown, but not ſtraight nor circular, ſuch as Kings wear ; and *Caſſaneus* confeſſes he never could find out the Origine of this Ducal Cap. *Inveges* imagines the Ducal Mantle to have been like that of the Archdukes of *Auſtria*, as it's deſcrib'd by *Guazzi* [3], to wit, a Garment of different Colours, reaching down to the Feet, trimm'd with Ermine. Duke *Robert*, in the Year 1059, appear'd at publick Solemnities, dreſs'd in this Manner with the Ducal Robes and Crown ; whence in his Charters and other Writs, he began to uſe this Title ; *Ego Robertus Dux Apuliæ, & Calabriæ*.

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[1] Gul. Appul. lib. 2.

[2] Oſtienſ. lib. 3. cap. 16. & ex tunc cœpit Dux appellari.

[3] Pellegr. Caſtigat. in Lup. Protoſp. A. 1053.

[4] Sigon. Hiſt. de Regn. Italiæ lib. 9. A. 1059. Rhegio Calabriæ oppido, & Troja Apuliæ capto Superbus ultro ſe Ducem Apuliæ atque Calabriæ appellabat.

[5] Inve. Annal. di Paler. par. 3. A. 1059.

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[1] Mazzel. deſcriz. del. Reg. di Nap. p. 374.

[3] Caſſan. Catalog. glor. Mund. part. 1. concl. 9. pag. 8.

[3] Guazzi, Hiſt. Moder. pag. 78.

CHAP. V.

The Principality of Capua *being taken from the* Longobards, *came under the Dominion of the* Normans *of* Averſa.

THE *Normans* who were ſettled in *Averſa*, as well as thoſe of *Puglia*, extended their Bounds over their Neighbouring Country. *Richard* Count of *Averſa*, being now powerful, had a Deſign upon the Principality of *Capua*, invaded it, and laid cloſe Siege to the City. At this Time *Pandolphus* V. govern'd *Capua*, who though for ſome time he could have defended the City with his own Troops, yet *Richard* ſtraitning the Place ſtill more and more, he was forc'd to offer Seven thouſand Crowns of Gold, if he would raiſe the Siege [1] ; which *Richard* then accepted of ; but *Pandolphus* V. was no ſooner dead in the Year 1057. and ſucceeded by *Landulphus* V. than *Richard* invaded *Capua* anew, and beſieg'd the City more cloſely than before. The *Capuans* offer'd another greater Sum for their Liberty : *Richard* would hear of no Terms ; but that the City muſt be ſurrender'd to him. It was a hard Matter to get the *Capuans* to conſent ; but at laſt being reduc'd to Famine, and *Landolphus* yielding and quitting the Principality, *Richard* was receiv'd and proclaim'd Prince this Year 1058.

RICHARD, like *Arechis*, firſt Prince of *Benevento*, would have himſelf anointed with ſacred Oyl [2], which Cuſtom all the *Norman* Princes of *Capua* retain'd afterwards [3]. And though it had been ſtipulated in the Capitulation, that the *Capuans* ſhould have the keeping and guarding of the Gates and Towers of the City, which this new Prince *Richard* wink'd at for the preſent, yet he reſolv'd at another more proper Time to deprive them of that Privilege likewiſe. In the mean time he went to *Monte Caſſino*, where he was receiv'd with great Solemnity by the Monks, and return'd to *Campania*, which extends itſelf as far as the River *Sele*, and in the Space of three Months conquer'd the whole Province; from thence he return'd to *Capua*, and having conven'd all the Nobility, he ſet forth to them, that it was very reaſonable the Gates and Towers of the City ſhould be deliver'd up to him; but the *Capuans* obſtinately refuſing to comply, in great Wrath he left the City, laid cloſe Siege to it anew, and reduc'd them to Famine.

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[1] Oſtienſ. lib. 2. cap. 16.

[2] Oſtienſ. loc. cit.

[3] Pellegr. in Stem.

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IN the mean time the Citizens ſent their Archbiſhop to *Germany* to ſeek Aſſiſtance from the Emperor *Henry*; but this Prince not being in a Condition to mind theſe our Provinces, diſmiſs'd him with great Promiſes and fair Words, which were never perform'd. The *Capuans* then being left without all Hopes, and able to reſiſt no longer, ſurrender'd the Towers, Gates, Themſelves, and all their Effects to the Diſcretion and Mercy of *Richard*. Thus in the Year 1062, the *Capuans*, after having bravely defended themſelves for the Space of ten Years againſt the Power of their Enemies, loſt the Principality of *Capua*, which became ſubject to the *Normans* [1], firſt under Prince *Richard*, who was deſcended of *Aſclettinus*, afterwards under the other Succeſſors of the ſame Race, and at laſt it came under the Dominion of thoſe other gallant *Normans* of the Blood of *Tancred* Count of *Hauteville*, as we ſhall ſee in the following Book. Therefore the Miſtake of *Sigonius* [2] is unpardonable, who reckon'd this *Richard* to be the Brother of *Robert Guiſcard*, as if from this Time the Principality of *Capua* had come under the Dominion of the *Normans* of *Puglia* to the Sons of Count *Tancred*.

THUS ended the Dominion of the *Longobards* in the Principality of *Capua*, which from *Atenulphus*, in an uninterrupted Series of many Years, had continu'd till it was quite extinguiſh'd in the Perſon of *Landulphus* V. a moſt unfortunate Prince, who, beſides his being forc'd to deſert his Dominion, ſaw, to his great Grief and Affliction, the many Children he had begotten, reduc'd to a needy and wandering Life, in the very Country where he had reign'd. And the Abbot *Deſiderius* [3] in his Dialogues relates, that in his Time, he had ſeen many Sons of *Landulphus* going about as Vagabonds and Exiles, begging Bread to ſupport their miſerable Lives; which he look'd upon as a Puniſhment for the Wickedneſs and Cruelty of that moſt wretched Prince *Pandulphus* IV. of whom they were deſcended. Whence it may be gather'd, that the Blood of the *Longobard* Princes was not quite extinguiſh'd in the Principality of *Capua*; for beſides that there ſtill remain'd ſome Counts of the Race of *Atenulphus*, whoſe Deſcendants for ſome Time, were diſtinctly known in ſome Families by the Fiefs they poſſeſs'd; there were likewiſe remaining the Sons of *Landulphus*, who, becauſe of their extreme Miſery and Poverty, as we may reaſonably believe, have been the Forefathers of Mechanicks, Labourers, and other Handycrafts-men, ſome of whom, though not known, may be amongſt us to this Day: Which we ought to take for a Warning of the Inconſtancy and Changeableneſs of Worldly Things, and not be puffed up on account of the Nobleneſs of our Pedigree above others, who, tho' they cannot make it appear, yet perhaps are deſcended of more noble and illuſtrious Blood than ourſelves. *Seneca* relates an Inſtance of the like nature to his *Lucilius* [4], that after the Defeat of *Marius*'s Army, many born of great Parentage and noble Blood, as well Knights as Senators, upon the Overthrow of *Marius*'s Faction, were reduc'd to ſo abject Conditions, that ſome became Shepherds, others Ploughmen, and liv'd in Cottages.

IN the following Book, to which we refer the Eccleſiaſtical Polity of this eleventh Century, we ſhall ſee the gallant *Normans*, after having thus vanquiſh'd the *Greeks* in *Puglia* and *Calabria*, and the *Longobards* in the Principality of *Capua*, proceeding triumphantly in the Conqueſt of the other Provinces, till they eſtabliſh a great and flouriſhing Kingdom.

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[1] Oſtienſ. lib. 3. cap. 16.

[2] Sigon. lib. 9. A. 1059.

[3] Deſid. Dial. lib. 5. Pellegr. in Stem.

[4] Senec. ad Lucil. Epiſt. 47.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK X.

DUKE *Robert*, not allowing *Bacelardus* his Nephew to ſucceed in his Father's Dominions, govern'd the Dukedoms of *Puglia* and *Calabria*, not as Tutor, but as his own Inheritance, and in order to extend his Dominion the better over the other Provinces, and to ſecure the Conqueſts he had made, with all Submiſſion, he endeavour'd to cultivate the Pope's Friendſhip, being taught ſo to do by the Behaviour of *Leo*; ſo that by having him on his Side, he might juſtify his Undertakings, and render them Praiſe-worthy in the Eye of the World, without the Blemiſh of Uſurpation. On the other Hand the Popes being now grown more terrible to Princes on account of their Excommunications, ſlipp'd no Opportunity of taking Advantage of the Opinion that prevail'd every where of their Superiority and Power. For which reaſon the Papal Inveſtitures were more firmly eſtabliſh'd among us in the Pontificate of *Nicholas* II. to which a Revolt that happen'd in *Puglia* at the ſame Time, when Duke *Robert* was triumphing in *Calabria*, contributed not a little.

BACELARDUS taking in ill Part that his Uncle *Robert* had depriv'd him of the Succeſſion to his Paternal Dominions, made heavy Complaints, which ſo mov'd the Compaſſion of many of the Inhabitants of *Puglia*, that they openly revolted and aſſaulted ſome Places of that Province. But *Robert*'s Vigilance ſoon put a Stop to their ill-concerted Deſigns; for having attack'd them all on a ſudden, he ſoon reduc'd thoſe Places that had revolted, and ſtifled the Rebellion; and without halting, march'd to the furtheſt Parts of the *Capitanata*, where the *Greeks* were ſtill in Poſſeſſion of ſome Places, which he ſurpriz'd, and amongſt the reſt took the City of *Troja*, which the *Greeks* had built ſome Years before, and made the chief City of this Province.

THE Conqueſt of the City of *Troja* rouz'd the Pope; for the *Roman* Pontiffs in thoſe Days pretended, that this City belong'd to them by a ſpecial Right, in the ſame manner as *Benevento*[1]. But all Authors are ſilent as to the way how they came by this ſpecial Right; for, according to the Authority of *Leo Oſtienſis*[2], which we have already related, this City was in the *Greek* Dominions, which in the Year 1022 they had built from the Foundation, under the *Catapanus Bejanus*, and gave it the Name of *Troja*, in Memory of the famous City of that Name in the leſſer *Phrygia*, of which they reckon'd this a Colony.

AND tho' when *Henry* came into *Italy* with that formidable Army, he laid Siege to that City, as the ſame *Leo*[3] relates, and forc'd the *Trojans* to ſurrender to him; yet he pardon'd them at that Time[4], and return'd to *Germany*; neither do we read that he made a Preſent of it to the Church of *Rome*, as he did of *Benevento*. But however that may be, *Nicholas* II. who, conſtantly treading in the Footſteps of his Predeceſſors, was jealous of this Progreſs of *Robert*, under pretence that this City belong'd to the Apoſtolick See, gave him to underſtand that he muſt reſtore it to him. The *Normans* had no mind baſely to part with what they had conquer'd from the *Greeks* with their Arms, and ſo much Fatigue and Labour; ſo that *Robert*, little minding the Demand of the Pope, march'd back towards *Calabria*.

NICHOLAS II. was not in a Condition to march an Army againſt him, as *Leo* had done; and the Aſſiſtance he could expect from the Emperor of the Weſt was at a great Diſtance, and theſe Emperors began now to withdraw the Reſpect they were wont to have for the Popes, and to have an Averſion for them, becauſe they diſputed their Right in the Election of Popes, and Inveſtitures of other Benefices which they had hitherto been in Poſſeſſion of. Neither could *Nicholas* expect Aſſiſtance from the neighbouring *Longobard* Princes; for the Principality of *Capua* was in the Poſſeſſion of the *Normans*; the Power of the Prince of *Salerno* was very inconſiderable; and that of the Prince of *Benevento* leſs to be depended on. There was nothing to be expected from the *Greeks*, who were implacable Enemies of the Popes, on account of the famous Schiſm betwixt theſe two Churches, which had now taken ſuch deep Root, that it had quite alienated the *Greeks* from the *Latins*.

NICHOLAS II. then had no other Game to play but to have recourſe to Spiritual Arms and Excommunications. The Popes had already begun to employ them againſt Princes, as we have ſeen in the preceding Books; yet they had then been made uſe of for Reaſons which they at leaſt believ'd to be more juſtifiable, and often on account of Religion, and their abominable Hereſies; they alſo made uſe of them for breaking Confederacies which Chriſtian Princes frequently enter'd into with the infidel *Saracens*, as *John* VIII. did againſt the *Neapolitans* and *Amalphitans*, for which he had a ſpecious Pretext of Piety and Religion. But afterwards, as it uſually happens, that good Things are often put to a bad uſe, they began to uſe them indifferently, either for worldly Ends, or to gratify ſome Prince, but chiefly to preſerve and increaſe the Temporal Riches of the Church. Thus we have ſeen the *Beneventans* treated becauſe they would not open the Gates of their City to the Emperor *Henry*, who got *Clement* II. to excommunicate them, and afterwards carried him to *Germany* with him as one of his Courtiers.

AS in the primitive Church the Prelates minded only Spiritual Matters, ſo they made no uſe of Excommunications but againſt Hereticks, or for the Correction of publick Sinners; the chief Deſign of them was againſt thoſe who had imbib'd wrong Notions with regard to Religion, who, after many Admonitions, if they did not acknowledge their Errors, were ſeparated from the Church: And in the ſecond Place, in order to avoid Scandal, they were employ'd againſt publick Sinners. And they had no other Effect, but to deprive them of the Sacraments and other Spiritual Things which the Church beſtow'd on the Faithful. But afterwards, and eſpecially in theſe Times, the Spiritual Care was abated in the Prelates; and on the contrary, the Avarice of Temporal Riches increaſ'd in the Eccleſiaſtick State, ſo that as Excommunications were formerly made uſe of only for the Correction of publick Sinners, and againſt Hereticks, they were now more frequently uſed, not only in the Defence, but likewiſe in Recovery of the Temporal Poſſeſſions, if perchance thro' the Neglect of their Predeceſſors they had been loſt.

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[1] Freccia de Subfeud. lib. 8. Speciali quodam jure ſibi vindicet, ſicut Beneventum.

[2] Oſtienſ. lib. 2. cap. 40.

[3] Idem eod. loc. cap. 39.

[4] V. Baron. A. 1022.

BUT it would have been to no purpoſe to have made uſe of theſe Arms, if at the ſame Time they had not made the People believe, that in whatever manner they were fulminated, if the Goods were not reſtor'd, the Poſſeſſors were irrecoverably damn'd, which they imputed more to the Cenſure than the Sin. And in order to make them more terrible, they had found Means to introduce a new Doctrine, that the Excommunicated were not only render'd unworthy of what the Church beſtow'd on the Faithful, which was the true Effect of Excommunication, but likewiſe that it unmann'd, defam'd, and render'd them abominable; that they ought to be ſhunn'd as infected with the Plague, and depriv'd of Civil Society and Commerce; and ſeveral Papal Decretals were made for rendering them incapable of making Wills, Contracts, to ſue at Law, adopt, or do any other legal Act; they could exerciſe no Office in the State, and a thouſand other Things, of which perhaps we ſhall have occaſion to treat more at large elſewhere.

'TIS incredible with what Terror and Dread theſe Cenſures affected the Minds, not only of the common People, but thoſe of higher Rank, yea Princes themſelves; and it was truly matter of Aſtoniſhment, that the Officers and Soldiers, Men otherwiſe addicted to all Wickedneſs, and without the Fear of God, and who did not ſtand in awe to offend Him by robbing their Neighbours, yet were ſo over-aw'd by the Dread of Excommunication, that they guarded the Goods of the Church with great Reſpect; and in theſe Times there was no ſurer way of preſerving one's worldly Goods, than by putting them under the Keeping and Protection of the Apoſtolick See.

FROM this (as we have obſerv'd elſewhere) a large Field was open'd for augmenting the Temporal Poſſeſſions of the Church; for many People unable to preſerve their Effects from being ſeiz'd by Force, a Thing too common by the Depravity of the Age, were induc'd to make them over to the Church, on Condition that they ſhould ſtill be Maſters of their Eſtates, and hold them of the Church in Fief for a ſmall Acknowledgment; for in theſe Times it was the Cuſtom to convert Freeholds into Fiefs, by reſigning them to the Prince who had given the Inveſtiture. And of this ſort of Fiefs call'd *Oblata*, there's mention made in our Feodal Books, and *Cujacius* treats of them at large. This ſecur'd Eſtates, as being under the Protection and direct Dominion of the Church, which had recourſe to her Cenſures in caſe they were invaded; by this the Church had a prodigious Advantage, for tho' ſhe receiv'd nothing during the Life of the Poſſeſſor but a ſmall Quit-Rent, yet when the Male-Iſſue of the Feudatories fail'd, which often happen'd in theſe Times by reaſon of the continual Wars, and popular Seditions, the Eſtates fell to the Church.

THE *Normans* were no leſs terrified and over-aw'd by theſe Cenſures than others; for having but lately embrac'd the Catholick Religion, which they had in great Veneration, as their frequent Pilgrimages to the moſt noted holy Places both in the Eaſt and Weſt demonſtrated, and being greater Votaries of the Apoſtolick See than any other Nation, as we have ſeen by their Behaviour to Pope *Leo*; they were very unwilling to expoſe themſelves to theſe terrible Thunder-bolts. *Nicholas* II. encourag'd by this, reſolv'd to try them, and thinking to obtain by the Cenſures, what *Leo* could not do with Armies, he ſolemnly excommunicated *Robert* and his *Normans*.

HOWEVER theſe Thunder-bolts were thrown in vain; for the *Normans* as well as they, knew very well how to keep what they had acquir'd with ſo much Labour and Danger, and they thought it would be the Height of Baſeneſs to yield what they were in Poſſeſſion of by ſo much Toil; whatever Reſpect they had for the Popes and the Apoſtolick See, yet when the Queſtion was to part with what they had got, they took Example from the Popes themſelves, and were not eaſily perſuaded to do it; and tho' they dreaded the Cenſures thunder'd out againſt them, yet not to that Degree as to part with what they had taken, becauſe they reckon'd the Cenſures unjuſtly pronounc'd againſt them.

MATTERS then being brought to this paſs, that neither Side was in a State of Tranquillity, both came to think ſeriouſly how to extricate themſelves from ſo much Diſtruſt and Anguiſh of Mind, by means of an Agreement that might be for their mutual Advantage.

ROBERT conſider'd with himſelf, that tho' he was ſure he could not be forc'd to quit his Conqueſts by the Power of the Popes, yet it was not convenient to have them for Enemies; for tho' as Matters now ſtood, they could get no Aſſiſtance from the Emperors of the Weſt, nor other neighbouring Princes, yet he had been taught by long Experience, that as Opportunity ſhould offer, they would not fail to give him Diſturbance; and that the greateſt Rubs his Nation had met with, had been more owing to the Popes than the *Greeks*. The Cenſures, yea rather the Misfortunes they had often brought upon other Princes, much terrified him, leſt they might occaſion a Revolt amongſt the People, and eſpecially thoſe of *Puglia*, who were terribly afraid of them, and not as yet well ſettled; that his Conqueſts were but lately made in foreign Countries, where he ſtood more in need of Friends than Enemies; that the Party for his Nephew *Bacelardus* might be ſtrengthen'd by getting Encouragement from the Popes, who were ready to take Advantage of all Opportunities, the rather, becauſe they were of Opinion that he himſelf was an Uſurper: In fine, he ſaw it neceſſary for him to have the Pope on his Side, not only on account of what he had already acquir'd, but much more for what he had as yet to conquer in the other Provinces, that by the Authority the Popes had aſſum'd, he might be confirm'd in the Poſſeſſion of what he hop'd to conquer.

ON the other hand the Pope conſider'd, that the *Normans* did not mind Excommunication; that they were a People who would part with nothing willingly; that neither the Power of the Church, nor the neighbouring Princes was able to conſtrain them, and no Succours were to be expected from the Emperors of the Weſt, who were at Variance with the Popes on account of their Election and the Inveſtitures; and tho' *Nicholas* in a Council held a little before in *Rome*, had found Means to ſatisfy *Henry*, yet Matters were like to come to an open Rupture betwixt him and the *Romans*; that in order to be able to maintain the Cauſe of the Clergy, the People of *Rome*, and the Popes, againſt the Emperor, it behov'd him to pitch upon ſome powerful and gallant Prince, who henceforward might be able to ſupport them, becauſe otherwiſe all their Deſigns would come to nothing; that he could pitch upon none fitter than *Robert*, who with his Forces would be able to oppoſe him effectually, and to reſtore that Prerogative to the Church of *Rome*, which the Emperors had uſurp'd: In fine, that there might be a way found out of reconciling *Robert* to the Apoſtolick See, whereby it would rather reap Advantage than Detriment.

ON theſe Conſiderations both Parties were diſpos'd by means of a Reconciliation to put an End to all Debates, and to reſtore Peace. *Robert* reſolv'd to be before-hand with the Pope, and having retir'd to *Calabria*, ſent him an Ambaſſador with generous Offers to ſatisfy him in whatever he deſir'd, and for that End invited him to an Interview, with which he aſſur'd him he would have good reaſon to be pleas'd.

THE Pope, who deſir'd no better, and which likewiſe anſwer'd his Ends, was very well pleas'd, and accepted the Propoſal; he having reſolv'd before to hold a Council for reforming in ſome meaſure the abominable Manners of the Eccleſiaſticks, ſent him Word, that he had appointed this Council to be held in *Melphis*, where he reſolv'd to be in Perſon, and where they two being met together ſhould adjuſt all Differences to their mutual Satisfaction.

THE Corruption of Manners in the Eccleſiaſtick State in theſe Times was exceſſive; for laying aſide all Shame, they did not ſcruple to keep Concubines publickly in their Houſes, as alſo the Children born of them, as *Peter Damian* with Grief relates. *Nicholas* made ſome Canons in the *Roman* Council againſt ſuch Concubinage; but in theſe our Provinces this Vice had got ſuch Footing, that neither Biſhop, Prieſt, Deacon, yea nor the very meaneſt of the Clergy wanted their Concubines; therefore *Nicholas* this Year 1059 held a Council in the City of *Melphis*, wherein he condemn'd and deteſted that vile Cuſtom, by impoſing ſevere Puniſhment on the Fornicators, and he likewiſe depos'd the Biſhop of *Trani*. But for all that, this wicked Practice could not be rooted out: it appear'd next to impoſſible to get the Prieſts to leave it off, whence, in the Councils held ſince, we ſee nothing ſo much inculcated, as to have the Prieſts to wean themſelves from it, but always to no purpoſe; for the Uſe of Concubines was ſo publick in theſe our Provinces, and the Number of them ſo great, that they pretended Exemption from Secular Judicatories, and that they were not liable to the Penalties appointed by Secular Princes againſt Concubinage; that ſeeing they belong'd to Prieſts, they ought to enjoy the ſame Privilege with them. And 'tis ſurprizing, that *Charles* II. of *Anjou*, in his Time ſhould ordain, that the Concubines of Prieſts ſhould not be liable to forfeit the fourth Part of their Goods, as other Seculars were, tho' he did not think fit to exempt them from Secular Judicatories, a Privilege which the Prieſts claim'd.

THE Pope then being at the Council in *Melphis*, the famous *Robert* arriv'd in that City accompanied with Prince *Richard*, and all the *Norman* Nobility; after great Rejoicings and Entertainments, they came to the main Point.

THE *Normans*, for the greater Security of their Dominions, got the Popes ingag'd to defend them, particularly againſt the Emperors, from whom they had taken them: *Puglia* and *Calabria* were not contraverted, having been taken from the Emperors of the Eaſt, and not from the Popes, who had no manner of Title to them. On the other hand, the Emperors of the Weſt pretended, that what the *Normans* poſſeſs'd in theſe our Provinces, they held it of them in Fief, having been inveſted in it by *Henry* II. and that as Vaſſals they ought to acknowledge them for their Sovereigns; that *Richard*, who had robb'd *Landulphus* of the Principality of *Capua* ought to be reckon'd their Vaſſal, in the ſame manner as the *Longobard* Princes of *Capua* his Predeceſſors were, that Principality being ſubject to the Emperors of the Weſt as Kings of *Italy*; they pretended the ſame Right over the Principalities of *Benevento* and *Salerno*, which *Robert* intended to invade. The Popes then were to engage themſelves againſt thoſe two powerful Enemies, whoſe Dominions were the ſubject Matter of this Treaty.

THEREFORE a Method was thought on, that would turn to both their Advantages. As we have ſaid, there had been already a Cuſtom introduc'd, that for the better Preſervation of Eſtates, the Owners made them over to the Church of *Rome*, paid a ſmall Acknowledgement, declar'd themſelves Vaſſals, and ſwore Fealty. In theſe Contracts all the Advantage was on the Pope's Side, for they gave nothing away; on the contrary, beſides the Oath of Fealty and Quit-Rent, in caſe of Failure of lawful and Male-Iſſue, the Eſtates devolv'd to the Church, and it was in the Pope's Power to inveſt others. Neither People nor Princes were at pains to inquire into this Right of Inveſtiture, and by what Authority the Popes aſſum'd a Power to create Dukes and Counts, and oblige them to ſwear Fealty to them; it was ſufficient to them if they were protected by Excommunications, which were ſo much dreaded, that their Enemies abſtain'd from making War upon them in order to avoid the Cenſures of the Church. Beſides they likewiſe ſaw the Popes were come to that pitch of Greatneſs, that they arrogated to themſelves the Power of abſolving Vaſſals from their Oaths, and likewiſe of depoſing Emperors, and the greateſt Monarchs in the World; ſo that they were the leſs ſurpriz'd at their giving the Titles of Counts and Dukes, when they preſum'd to make the very Emperors of the Weſt, and to transfer the Empire from one Nation to another.

BUT to fancy or imagine that Popes had not only a Power to give Inveſtiture, and take Oaths of Fealty for thoſe Lands that were made over to them, but alſo to do the ſame with reſpect to Provinces and Kingdoms not as yet conquer'd, is ſtill more aſtoniſhing. As for thoſe who were preparing to make ſuch Conqueſts, it was an eaſy matter to perſuade them of it, becauſe they found their account in it, which not only encourag'd them in the Undertaking, but likewiſe ſecur'd them in the future Conqueſts, becauſe if the former Poſſeſſors after the Conqueſt, ſhould endeavour to recover their Right, they were ſure to be expos'd to the Thunder-bolts of the Church.

IT was no hard Thing then to make an Agreement, when the Parties had nothing in view but to rob their Neighbours of their Rights, and to make their Advantage by the Bargain. There was no occaſion to mention the Dominions taken from the *Greeks* and *Longobards* in the Agreement. Prince *Bacelardus* who had been robb'd by his Uncle, was not regarded in it; Prince *Landulphus* who had been expell'd *Capua*, was as little minded; but both Parties having an Eye to their own Intereſt and Deſigns, the Agreement was concluded in this manner; That *Robert* and his *Normans* ſhould be abſolv'd from all Cenſures; that the Dukedoms of *Puglia* and *Cala-*

bria ſhould be confirm'd to him; and beſides, when he ſhall drive the *Greeks* and *Saracens*, who poſſeſs'd the greateſt Part of *Sicily*, out of that Iſland, the Pope ſhould give him the Inveſtiture of it with the Title of Duke; and in fine, that the Principality of *Capua* ſhould be confirm'd to *Richard*, who had uſurp'd it from *Landulphus*.

ON the other hand it was agreed, that *Robert* and *Richard*, and their Succeſſors, ſhould put themſelves under the Protection of the Pope, who confirm'd to them the Poſſeſſion of all the Dominions they had in *Italy*, and of *Sicily* when they ſhould conquer it from the *Saracens*; therefore they ſwore an Oath of Fealty as Feudatories of the Holy See, to which *Robert* was oblig'd to pay yearly Twelve-pence of *Pavia* for each Yoke of Oxen, as *Leo Oſtienſis* relates [1]; and *Fr. Tolomeo* of *Lucca* adds, that this annual Tribute was not ſo much as demanded by the Pope, but that *Robert* oblig'd himſelf to pay it of his own Free-Will.

THIS Agreement was ſettled in *Melphis* in the Year 1059, and tho' ſome have written that it was likewiſe confirm'd in the Council held in this City; nevertheleſs it not being an Affair that concern'd the Council, which was only conven'd for reforming the Manners of Eccleſiaſticks, others have not ventur'd to ſay it, but only that while the Pope was at this Council in *Melphis*, he receiv'd the Oath of Fealty from the *Normans*, and gave the Inveſtiture. However that may be, 'tis moſt certain, the Treaty was very faithfully perform'd on both Sides; and *Robert* took the Oath of Fealty, which *Baronius* ſays he found in a Book in the Vatican call'd *Liber Cenſuum*, in which the Form of the Oath which *Robert* ſwore to the Pope is recorded: it begins thus; *Ego* Robertus *Dei Gratia*, *&* *S.* Petri, *Dux* Apuliæ *&* Calabriæ, *atque utroque ſubveniente futurus* Siciliæ. *Sigonius* obſerves, that the Pope did not confirm him Duke with the *French* Ceremonies us'd by the Dukes of *Normandy*, as already related, to wit, by putting the Ring on his Finger, the Cap on his Head, and girding him with the Sword; but after the *Italian* manner, by putting the Standard in his Right Hand, which made him Standard-bearer of the Holy Church; whence *Guiſcard* from this Year began to uſe this Ducal Title; *Dux* Apuliæ, Calabriæ, *& futurus* Siciliæ.

SOME alſo ſay, that *Robert* at this Time reſtor'd the Cities of *Benevento* and *Troja* to the Pope, but without any Foundation of Truth; for at this Time the City of *Benevento* was in the Poſſeſſion of *Landulphus* its Prince, and *Pandulphus* his Son, who had been now reſtor'd to their Principality, as the Cotemporary Author of the Chronicle of the Dukes and Princes of *Benevento* relates; and it was not reſtor'd to the Church of *Rome* by *Robert* till long after, when he had vanquiſh'd the *Longobard* Princes who held that Principality, and expell'd them their Dominions, as ſhall ſhortly be told. Neither is there any mention made in grave and ancient Writers of the Reſtitution of *Troja* to the Pope, ſeeing there is no Evidence that the Popes could ever have had any Right to it; for a few Years after the *Greeks* had built it, the *Normans* took it from them; and what confirms this the more, is, that at this Day we find *Benevento* only in the Poſſeſſion of the Church of *Rome*, but we read no where, that ever *Troja* was under her Dominion.

THIS is the Foundation of the Right which the Popes pretend to have over the Kingdoms of *Naples* and *Sicily*; a Foundation tho' in thoſe Times weak and tottering, nevertheleſs in proceſs of time being grown more firm and fix'd, by the Cunning of the Succeſſors of *Nicholas* II. it was able to ſupport ſuch great and lofty Buildings, that the Popes came to diſpoſe of theſe Kingdoms at their Pleaſure, and to transfer them from one Nation to another, as may be obſerv'd in the Courſe of this Hiſtory.

THEY owe this Advantage, and this ſo conſiderable a Part of their Temporal Grandeur to the *Normans*, who, in order to engage them in their Defence, particularly againſt the Emperors of the Eaſt, who could plead that a great Part of what theſe Conquerors had made themſelves Maſters of, belong'd to them, or that they held it in Fief of the Emperors of the Weſt, from whom they had formerly got Inveſtiture, did not ſcruple to declare themſelves Vaſſals of the Popes, that none might pretend to make War againſt them, without expoſing themſelves to the Cenſures of the Church.

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[1] Oſtienſ. lib. 3. cap. 16. Hiſdem quoque diebus, & Richardo Principatum Capuanum, & Roberto Ducatum Apuliæ & Calabriæ, atque Siciliæ confirmavit, cum Sacramento, fidelitate Romanæ Eccleſiæ ab eis primo recepta, nec non Inveſtitione cenſus per ſingulos annos, per ſingula boum pariæ, denarios duodecim.

THESE were the firſt Seeds, which being afterwards cultivated with ſkilful Hands, in proceſs of Time, took ſuch deep Roots, and from whence ſprung ſuch lofty Plants, that at laſt the Kingdom of *Sicily* was reckon'd the ſpecial Patrimony of St. *Peter*, and a Fief of the *Roman* Apoſtolick See. Whence our Writers believed, that the Church of *Rome* had inveſted the *Normans* therewith, as being her Patrimony, for which ſome quote the Donation of *Conſtantine the Great*, ſome that of *Pepin* and *Charles the Great*, and others thoſe of other Emperors of the Weſt. Theſe Writers continued in this Darkneſs through their Ignorance of Hiſtory, till *Marinus Freccia* [1], by the Light thereof, diſcover'd the Cheat, and let the World ſee that theſe Inveſtitures were grounded on nothing but Cuſtom. And ſpeaking of this Inveſtiture of *Nicholas* II. and of others that follow'd afterwards, he did not ſcruple to ſay, *Eccleſia non dedit, ſed accepit; non tranſtulit, ſed ab alio occupatum recepit*; he pity'd his Kinſman *Matteo degli Afflitti*, who wrote, that *Conſtantine the Great*, gave this Kingdom to the Church, and ſaid, *Affinis meus hiſtoricus non eſt, auditu percepit*, &c.

THIS firſt Inveſtiture, with reſpect to the Perſon of *Robert*, comprehended only the Dukedoms of *Puglia* and *Calabria*, as *Gulielmus Puglienſis* ſings [2].

Robertum donat Nicolaus honore Ducali.
Unde ſibi Calaber conceſſus & Appulus omnis.

And as to *Richard*, the Principality of *Capua* only. But it was couch'd in ſuch a Manner, that it might be interpreted to extend to all the other Provinces, which as yet had not been ſubjected by the *Normans*: *Robert* was likewiſe inveſted with *Sicily*, that was as yet to be taken from the *Greeks* and *Saracens*, who were in Poſſeſſion of it. The ſame ought certainly to be underſtood with reſpect to the Principalities of *Salerno*, *Benevento*, *Amalphis*, *Naples*, *Bari*, *Gaeta*, and all that now makes up the Kingdom, as the Event prov'd; for they were no ſooner conquer'd by the *Normans*, and the *Greeks* and *Longobard* Princes intirely expell'd, than the Popes gave the Inveſtiture of them, with all the Pleaſure imaginable, becauſe, beſides, that it coſt them nothing, they found their account in it, more than the *Normans* themſelves.

ON the other hand, the *Normans* were eaſily catch'd, for they ſaw the Advantages, which we have already taken Notice of, but were not aware of the Conſequences, and excepting the ſmall Acknowledgement of Quit-rent, the Sovereignty was lodg'd in them, and they govern'd their Dominions with a free and abſolute Sway, as ſupreme and independent, and reckon'd themſelves rather Tributaries, than real Feudatories of the Apoſtolick See; for in thoſe Times, the Word *Liege-man* was not taken in the ſame Senſe, as it is now by our Feudiſts, but denoted a ſort of Confederacy and League, when the Inferior, by ſwearing Fealty, oblig'd himſelf to aſſiſt the Superior in his Wars, or to pay him a certain yearly Tribute or Quit-rent [3]. The ſame was practis'd among Princes themſelves, witneſs *Robert* Count of *Namur*, to *Edward* III. King of *England* [4]; the Duke of *Guelder*, to *Charles* King of *France*, and *Philip* of *Valois* King of *France*, to *Alphonſus* King of *Caſtile* [5].

THIS Cuſtom was more frequent with reſpect to the Popes, on the foreſaid account. The Kings of *England* oblig'd themſelves to pay Tribute to the Apoſtolick See, which was exacted from that Kingdom, till the Reign of *Henry* VIII. and was call'd *St. Peter's Pence*; yea, there was not a Prince in *Europe*, who did not ſubject their Kingdoms to pay Tribute to the Church of *Rome*; ſo that *Cujacius* ſpeaking of this Cuſtom, which was become very frequent in thoſe Times, ſaid, *& qui non Reges olim?* The Popes at firſt were ſatisfied with the Quit-rent only, in order to make the Yoke ſeem eaſy; but in proceſs of Time, made a Handle of it, to pave the Way to greater Pretenſions, which they cunningly trump'd up, as occaſion offer'd, as ſhall appear in the Courſe of this Hiſtory.

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[1] Freccia de Subfeud. lib. 1. pag. 53.
[2] Gul. Apul. lib. 2.
[3] V. Pratejum lex juriſdic.
[4] Froſſard. hiſt. lib. 1. cap. 14.
[5] V. Bodin. de Republ. lib. 1.

CHAP. I.

The Dukedom of Bari *ſubjected by the* Normans.

AFTER this Interview, which prov'd to the Satisfaction of both Parties, the Pope return'd to *Rome*, and *Robert* to *Calabria*, in order to reduce ſome other Towns that were as yet in the Poſſeſſion of the *Greeks*, of which he ſoon made himſelf Maſter; and perceiving that Count *Roger* his Brother, had behav'd himſelf with extraordinary Courage in theſe Expeditions, he left him in *Calabria* to compleat the Conqueſt thereof, which he did moſt gallantly, and he himſelf in the mean time went to *Puglia*, and contriv'd means how both to ſecure and inlarge his Conqueſts.

FOR this End he reſolv'd to make the *Longobard* Princes his Allies, by marrying one of their Daughters, and finding that the Prince of *Salerno* was the moſt powerful, he ſent Ambaſſadors to *Giſulphus* II. who had ſucceeded *Guaimarus* IV. his Father in that Principality, to deſire his Siſter in Marriage. Although the Match was honourable, yet *Giſulphus* made ſome Difficulty in it, as knowing it was the Genius of that Nation, to catch at all Advantages, and beſides that it might be of dangerous Conſequence, becauſe at the ſame time that he ſought his Siſter, his Wife *Alverada* was ſtill alive, by whom he had a Son the famous *Boemondus*. But he gave him to underſtand that he had divorc'd her, becauſe ſhe was his near Kinſwoman, which at that Time was thought would not be diſpens'd with by the Pope, as being rarely practis'd: *Giſulphus* durſt not give him a Denial, for fear of breaking with him; whereupon he gave him his eldeſt Siſter, nam'd *Sicelgaita*[1]. At the ſame time he gave another Siſter in marriage, nam'd *Gaidelgrima*, to another *Norman* Prince, and gave him for Portion with her, *Nola*, *Marigliano*, *Palma*, *Sarno* and ſome other neighbouring Places, which had never been ſubject to the Princes of *Capua*, but to thoſe of *Salerno*[2]. This was *Giordano* I. Son of *Richard* Count of *Averſa*, who, after having taken the Principality of *Capua* from *Landolphus*, the laſt of the *Longobard* Princes, had made *Giordano* his Son Prince of it. He had alſo made him Duke of *Gaeta*, as he himſelf was; not but *Gaeta* had likewiſe its own particular Dukes under theſe two Princes, to wit, *Goffredo*, or *Loffredo Ridello*, in the Year 1072, and others; but they were ſo call'd, juſt as *Pandolphus* was ſaid to be Count of *Capua*, to whom Pope *John* VIII. had given it, though *Docibilis* was Duke of it, who was ſubject to *Pandolphus*, as *Goffredo* was at this Time to the *Norman* Princes of *Capua*.

MEAN while *Robert* ſet out on the bold Expedition into *Sicily*[3], and after having, with his Brother *Roger*, made many Conqueſts there, which ſhall be related in a more proper Place, he return'd to *Calabria* with his new Spouſe, and ſeeing the *Greeks* were ſtill in Poſſeſſion of *Bari*, *Otranto*, and ſome other Places of antient *Calabria*, he bent all his Thoughts on driving them out of that Corner, and eſpecially out of *Bari*, where they had aſſembled all their Forces.

BUT before he ſet out for this Expedition, he was oblig'd to ſuppreſs a new Conſpiracy, which *Goffredo* and *Gocelino*, two conſiderable *Norman* Cavaliers had hatch'd, under pretence of reſtoring *Baccelardus* the Son of *Umfred*, to the County of *Puglia*, which *Robert* had robb'd him of. As ſoon as this noble Champion was appriz'd of it, he ſurpriz'd the Conſpirators, impriſon'd and puniſh'd many of them with the utmoſt Rigour, and put the reſt to flight: *Gocelino* retir'd to *Conſtantinople* for Shelter amongſt the *Greeks*, and *Goffredo* fled to a Caſtle; and the unfortunate Prince *Bacelardus* run to *Bari*, from whence ſome time after, he went to *Conſtantinople* to beg Aſſiſtance of the Emperor *Conſtantinus Ducas*, who in the Year 1060 had ſucceeded *Iſacius*.

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[1] Oſtienſ. lib. 3. cap. 16.

[2] Pell. in Stemm.

[3] Oſtienſ. loc. cit.

BARI had hitherto maintain'd itſelf under the Dominion of the Emperors of the Eaſt, and as Head of that Province, likewiſe continu'd to be the Seat of the chief *Grecian* Magiſtrates, for at this Time the Emperors of *Conſtantinople* had rais'd it to be the Metropolis of a new Principality, call'd the Principality of *Bari*; it was formerly a Dukedom, and the *Greeks* had made *Argirus* Duke of it, and, according to their wonted Vanity, call'd it the Dukedom of *Italy*. They had drawn together all their Forces into this City, as the Place of greateſt Defence; wherefore it was the Source of Sedition againſt the *Norman* Princes for many Years, and a ſafe Shelter for the Seditious; which made *Robert* for a long Time conſider how he might beſiege it.

BUT the *Bareſians* were no ſooner appriz'd of the Deſigns of this Prince, than they ſent to *Conſtantinople* to acquaint the Emperor, who being ſpurr'd on by *Gocelino*, immediately ſent a new *Catapanus*, *Stephanus Pateranus*, or, as he's call'd, *Sebaſtophorus*, to defend the City. This new *Catapanus* being come to *Bari*, reſolv'd to make a ſtrong Defence; in the mean time *Robert* aſſembled his Army, and not thinking it ſufficient for the Siege of this Capital, he over-run the neighbouring Places, and ere he march'd to *Bari*, ſat down before *Otranto*, which he harraſs'd ſo much, that he oblig'd it to ſurrender [1]; thereafter having order'd many Ships to come from *Calabria*, he reinforc'd his Army with a good Body of Troops, and at laſt in the Year 1067, laid cloſe Siege to *Bari*, both by Sea and Land [2]. This Siege was very remarkable, where there were many glorious Actions perform'd on both Sides, which the Deſign of my Work obliges me to paſs over, and I do it the more willingly, ſeeing there are not wanting Writers, who give account of them at large [3].

ACCORDING to *Gulielmus Puglienſis* [4], and *Leo Oſtienſis* [5], this Siege laſted little leſs than four Years, and the Place was attack'd and defended with extreme Valour and equal Courage. The new *Catapanus* made an obſtinate and gallant Defence, and the Beſiegers, intrepid and bold Attacks; and this Enterprize of the *Normans* would have prov'd unſucceſsful, if *Robert*'s Army had not been reinforc'd by his Brother *Roger*, who having made himſelf Maſter of a good Part of *Sicily*, ſent him another Army to his Aſſiſtance. At laſt *Robert* overcame the Obſtinacy of the Beſieged, and oblig'd them to ſurrender that moſt important Place; for in the Month of *April* in the Year 1070, the Gates were open'd, and they yielded at Diſcretion. Duke *Robert* made his Entry into the City, and treated the *Bareſians* with all Humanity: He valued the *Catapanus*, and left it to his Choice, either to remain in *Bari* with his *Greeks*, and ſerve him, or to return to *Conſtantinople*, which laſt he embrac'd; and after *Robert* had ſpent many Days in *Bari* in publick Feaſtings and Rejoycings, he imbark'd, and with a Fleet of 58 Ships, ſail'd for *Sicily*, in order to beſiege *Palermo* [6].

THUS did the famous *Robert* conquer *Bari*, a City that had ſo long maintain'd itſelf under the Dominion of the *Greeks*, and by various Turns of Fortune, ſometimes taken, ſometimes re-taken, was now for the laſt Time diſmembred from their Empire, though the *Greeks* afterwards attempted to recover it, but in vain, for *Robert* kept Poſſeſſion of it, and tranſmitted it to his Poſterity. And thus did the Dukedom of *Bari* paſs from the *Greeks* to the *Normans* under *Robert*, who created a new Duke to govern it. And thus by degrees the Way was pav'd to the Union of theſe Provinces under one ſingle Perſon, which was happily compleated by *Roger*, who had the Glory to wear the united Crowns of the Kingdoms of *Sicily* and *Puglia*.

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[1] Beatil. hiſt. di Bari, lib. 2.

[2] Oſtienſ. loc. cit.

[3] Goffredus Malaterra lib. 2. cap. 43.

[4] Gul. Appul. lib. 2.

[5] Malater. lib. 2. cap. 42.

[6] Gul. Ap. lib. 2. Lupus Protoſp.

CHAP.

CHAP. II.

The Conqueſt of Sicily by the Normans.

IN the mean time Pope *Nicholas* II. died in *Florence* in the beginning of *July* in the Year 1061, whoſe Pontificate had laſted two Years and a Half [1], and the wonted Diſorders and Tumults happen'd in *Rome* about the Election of his Succeſſor. The famous *Hildebrand*, in order to quiet them, joyn'd with the Cardinals and *Roman* Nobility, and after three Months, elected the Biſhop of *Lucca*, a Native of the *Milaneze*, who took the Name of *Alexander* II. The Emperor, who had not been conſulted in the Election, being much offended, caus'd the Biſhop of *Parma* his Chancellor, to be elected Pope, whom they nam'd *Honorius* II. in oppoſition to *Alexander*; and moreover, ſent him to *Rome* with a good Army, to drive out his Rival. Whereupon the Jars betwixt the Popes and the Emperors of the Weſt, broke out into open War and Factions, and each of them ſtrove to increaſe his Party. Some of the greateſt Prelates of the Church, and the moſt renown'd Divines of that Age were of the Emperor's Party, and ſupported his Cauſe; but the intrepid *Hildebrand*, with unheard-of Boldneſs and Vigour, oppoſ'd them all; and when the Archbiſhop of *Cologn* check'd *Alexander*, for daring to take the Papacy upon him, without the Conſent of the Emperor, contrary to what had been formerly practiſ'd; told him to his Face, That to ask the Emperor's Conſent, was a damnable and moſt corrupt Cuſtom, and contrary to the Canons of the Church; that neither the Pope, nor the Biſhops, nor the Cardinals, nor the Archdeacons, nor any Perſons whatſoever, ought to comply therewith; that the Apoſtolick See was free, and ſubject to none; that *Nicholas* II. had acted the Part of a Fool, and the Church ought not to loſe its Dignity through any Man's Folly; and that ſo great an Indignity, as to allow the Kings of *Germany* to make Popes, was by no means to be born with.

THEREFORE the Quarrels increas'd, and they became more exaſperated againſt one another, but by the Cunning and Activity of *Hildebrand*, *Alexander*'s Party grew ſtrongeſt, and that of *Honorius* was depreſs'd, who, the ſame Year that he had intruded into the Papacy, was depoſ'd, and condemn'd in the Council of *Mantua*; but for all that, he never parted with the Pontifical Badges.

DURING the Pontificate of *Alexander* II. by reaſon of the Agreement made a little before with his Predeceſſor, there was no occaſion of Diſpute betwixt him and the *Norman* Princes; on the contrary, *Alexander* confirm'd to *Robert* what *Nicholas* II. had granted him, and whilſt *Roger* was making Preparation for the Expedition into *Sicily*, he ſent him a Standard for the Conqueſt of it; it being at that Time the Cuſtom, as *Baronius* relates [2], that when the Popes had a Mind to encourage any Chriſtian Prince to conquer a new Kingdom, they ſent him a Standard, and declared him Standard-Bearer of the Holy Church. But at the ſame time that the *Normans* were paying all Reſpect to the Apoſtolick See, they ſerv'd their own Intereſt; in the mean time they did not neglect to leave Monuments of their Piety and Bounty towards the Churches, and particularly to the Monaſtery of *Monte Caſſino*, while the Abbot *Deſiderius* govern'd it, *Richard* Prince of *Capua*, made ſo large and noble Donations, that *Leo Oſtienſis* and *Petrus Diaconus* relate, there never were better and more agreeable Times for theſe Monks [1]. This Prince, beſides many Caſtles and Places in the Neighbourhood of that Monaſtery, gave it the Caſtle of *Teramo*, which, by the Rebellion of its Count, had been formerly forfeited *ſecundum Longobardorum legem*, as he ſays in his Charter, related by *P.* Abbot of *Noce* [2]. He gave it many other Churches, for Churches then were Matter of Traffick, and amongſt the reſt the Church of *Calena*, ſituated in *Gargano* near the City *Veſti*; for according to the Diviſion made in *Melphis*, *Siponto* with *Monte Gargano* fell to *Richard*'s Share. Therefore the Abbot *Deſiderius*, tho' of *Longobard* Extraction, adhered to the *Normans*, and was their Dependent, and ſeem'd no ways uneaſy at the Depreſſion of the *Longobard* Princes, tho' formerly he had ſhewn himſelf to be of different Sentiments with reſpect to his Nation.

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[1] Oſtienſ. lib. 3. cap. 21.

[2] Baron. A. 1066. num. 2.

BUT this Prince *Richard*, hearing what Progreſs the *Normans* deſcended from *Tancred* of *Hauteville*, had made in *Puglia* and *Calabria*, and what they were now making in *Sicily*, thought it would be reckon'd want of Courage in him if he did not follow their Example: Spurr'd on by this Reflection, and not content with the Principality of *Capua*, which he had taken from *Pandulphus*, he reſolv'd upon greater and more noble Undertakings. He deſign'd to take Advantage of the Jars which had ariſen betwixt the Pope and the Emperor *Henry* for the Reaſons above related, and therefore, without any Scruple, invaded *Campania di Roma*, and advanc'd near to *Rome* itſelf, in order to get the Start of *Henry*, who intended to go to that City to receive the Imperial Crown from the Hands of the Pope [3]. When he was in the Neighbourhood of *Rome*, he us'd all Means poſſible to get the Dignity of Patriciate from the *Romans*, which was then in the greateſt Eſteem, and wont to be the next Step to the Empire; but *Henry* being appriz'd of it, in all haſte march'd to *Italy* with a great Army, and was join'd by *Goffredo* Marquiſs of *Tuſcany*. The *Normans* knowing themſelves to be inferior in Force, were oblig'd to give over the Undertaking, and retire out of *Campania*; and after ſome Skirmiſhes, at laſt, by the Interpoſition of the Pope, *Richard* made up Matters with *Goffredo*, and return'd to *Capua*.

THE Pope ſoon after having been invited by the Abbot *Deſiderius* to conſecrate the Church of *Monte Caſſino*, which he had magnificently rebuilt, went thither with *Hildebrand* and many Cardinals, where he perform'd the Function with ſolemn Ceremony and Magnificence, at which ten of our Archbiſhops, and 43 Biſhops aſſiſted. And for making it the more ſplendid, he alſo invited all our Princes, as well *Norman* as *Longobard*, who poſſeſs'd theſe Provinces, as alſo the Dukes of *Naples* and *Sorrento*. *Giſulphus* Prince of *Salerno*, with his Brothers, and *Richard* Prince of *Capua*, with *Giordano* his Son, and *Rainulphus* his Brother, went thither; but what is worth our obſerving, and much to our Purpoſe is, that *Landulphus* Prince of *Benevento* was preſent at this Solemnity, as *Leo Oſtienſis*, an Eye-Witneſs, and at that Time Library-Keeper of *Monte Caſſino*, relates, which confirms what the Anonymous *Beneventan* wrote in the Chronicle of the Dukes and Princes of *Benevento*, that *Landulphus* was reſtor'd to the Principality of *Benevento*, and that it was long after that the Principality became extinct, when the City devolv'd to the Pope, and the reſt of it to the *Normans*. *Sergius* Duke of *Naples*, and another *Sergius* Duke of *Sorrento*, were likewiſe preſent; for *Sorrento* was diſmember'd from the Dukedom of *Naples*, to which it formerly was ſubject, as *Amalphis* had been long before; and theſe two Dukedoms were govern'd after the manner of Republicks by their Dukes and Conſuls, tho' they depended on the *Greek* Empire [4], and *Amalphis* had been ſubjected to the Princes of *Salerno*. There were preſent likewiſe the Counts of *Marſi*, and many other Barons both *Longobard* and *Norman*, of which at this Time there was a great Number in theſe Provinces.

ONLY the famous Duke *Robert* was not there. He with his Brother *Roger* was in *Sicily*, wholly intent on the Siege of *Salerno*. *Maniaces* with the Aſſiſtance of the *Normans* had in a great meaſure reſtor'd this Iſland, which had fallen under the Yoke of the *Saracens*, to the Empire of the Eaſt; but after the *Normans* were diſoblig'd, and *Maniaces* was ſucceeded by Governors not equal to the Charge, it had been retaken by the *Saracens*, who had driven the *Greeks* out of all the ſtrong Places, except *Meſſina*; but at laſt in the Year 1058, they were forc'd to abandon that City, and leave the whole Iſland to the Diſcretion and Power of theſe Infidels. *Robert Guiſcard* with his younger Brother *Roger* invaded it, and after having ſubdu'd almoſt all the chief Cities, had only *Palermo*, the ſtrongeſt and principal City of the Iſland to conquer, and on which the *Saracens* laid their whole Streſs; but theſe two gallant Champions laid ſo cloſe Siege to it, that in leſs than five Months the *Saracens* were forc'd to ſurrender it to *Robert*, who with his Brother *Roger* made their Entry into the City with the infinite Acclamations of the People. As ſoon as *Robert* had conquer'd *Palermo*, in order to gain the Affection of the *Saracens*, he left it to their Choice, either to turn Chriſtians, or to continue in their *Mahometan* Religion. It was at this Time that *Robert* inveſted [1] *Roger* his Brother with all this Iſland, and created him Count of *Sicily*, for by his Proweſs and excellent Conduct he had acquir'd it. He retain'd to himſelf the half of *Palermo*, of the Valley of *Demona*, and of *Meſſina*; and having left his Brother in *Sicily*, he return'd to *Puglia*, and ſtopp'd in *Melphis* [2]. Hence 'tis clear, that *Roger* did not ſeek Inveſtiture from the Pope, becauſe he held it of his Brother *Robert*.

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[1] Oſtienſ. lib. 3. cap. 17. & 18.

[2] Abb. de Noce ad Oſtienſ. lib. 3. cap. 18.

[3] Oſtienſ. lib. 3. cap. 25.

[4] V. Carol. Borrel. in vindic. Neap. Nobil. Peregrin. in Campan. circa fin.

THUS theſe two Princes, the one reigning in *Puglia* with the Title of Duke, the other in *Sicily* with that of Count, ſtruck Terror into all their Neighbours. Some have believ'd, becauſe *Robert* inveſted his Brother *Roger* with *Sicily*, who acknowledg'd that he held his Dominion and Title of Count of *Sicily* of him, that therefore this Iſland was ſubject to the Dukes of *Puglia*; and that the Royal Title of King of *Sicily*, which *Roger* afterwards got from *Anacletus* the Antipope, and which was confirm'd to him by *Innocent* II. as we ſhall relate, was meant of this our Kingdom, which was call'd the Kingdom of *Puglia*, and not of the Iſland of *Sicily* [3]. Others on the contrary, ſuch as *Inveges* [4], ſay, that this our Kingdom was ſubject to the Iſland of *Sicily*.

BUT from what we have ſaid, and much more from what we ſhall obſerve, it will appear, that the Kingdom of *Puglia* was neither ſubject to that of *Sicily*, nor *Sicily* to *Puglia*, for each of them had its own particular Laws, and was govern'd by its proper Officers. 'Tis true indeed, when we conſider that the *Normans* made themſelves Maſters of this Iſland, after they had conquer'd *Puglia* and *Calabria*, it may ſeem probable that it was reckon'd as an Acceſſion to theſe Dukedoms, and conſequently ſubject to the Dukes of *Puglia*; but ſeeing *Robert* reſided in *Puglia*, and *Roger* in *Sicily*, and govern'd thoſe two States independently of one another, it cannot be ſaid poſitively that the one was ſubject to the other. And tho' when *Robert* died, *Roger* ſucceeded him in the Dukedoms of *Puglia* and *Calabria*, and fix'd his Royal Seat in *Palermo*, where the *Norman* Kings his Succeſſors alſo had theirs, yet for all that the Kingdom of *Puglia* was not ſubject to that of *Sicily*, but both were govern'd as two diſtinct Kingdoms, and neither of them reputed a Province of the other, which we ſhall make clear in the Progreſs of this Hiſtory.

MEAN while *Robert* return'd to *Melphis*, and was receiv'd with Acclamations and Rejoicings by all the Barons of *Puglia* and *Calabria*, who congratulated him as their Sovereign on his Conqueſt of *Palermo* [5]. Only *Peter* the Son of the Count of *Trani* would never pay him that Reſpect, but affected an intire Independency, and therefore had refuſed him Aſſiſtance for the Expedition of *Sicily* [6]. *Robert* therefore taking this in ill-part, order'd him to deliver up the City of *Trani*, and ſome other Towns ſubject to him; but *Peter* boldly refus'd to comply, which was the Cauſe of his Ruin, for *Trani* was beſieg'd and ſoon taken; the other Towns that depended on him, ſuch as *Biſceglia*, *Quarato* and *Giovenazzo* had the ſame Fate. However *Peter* retir'd to *Andria*, where he might have defended himſelf long enough; but wanting Proviſions, and going into the Country with a ſtrong Guard in order to get ſome, he was ſo unlucky as to be taken in his Return, by the Duke's Soldiers. *Robert* ſeeing him brought thus low, us'd him with all Tenderneſs and Humanity, and obliging him only to take an Oath of Fealty, he generouſly reſtor'd all he had taken from him excepting *Trani*.

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[1] Oſtienſ. lib. 3. cap. 16. Sicque fratrem Rogerium de tota inveſtiens inſula, & medietatem Panormi, & Demonæ, ac Meſſanæ ſibi retinens.

[2] Malaterra, lib. 2. cap. 4. V. Fazzel. hiſt. Sicul.

[3] Tutino de Conteſtabili del Regno.

[4] Inveges Iſtor. di Palermo, tom. 2.

[5] Gul. Appul. lib. 3.

[6] Idem.
Dux Petro ſuſpectus erat, quia prorſus eunti.
Ad fines Siculos vires adhibere negarat.

IN the mean time *Alexander* II. died in the Month of *April* in the Year 1073, who, while he was Pope had led a ſolitary and private Life, and had committed the Government of the Holy See to the famous *Hildebrand*; who, without minding the Emperor, immediately conven'd the Clergy and People of *Rome* in order to elect a Succeſſor; and the ſame Day that *Alexander* died, he himſelf was proclaim'd Pope. *Hildebrand* deſir'd the Emperor *Henry* to confirm his Election; but this Prince took ſome time to conſider of it, and ſent Count *Eberard* to *Rome* to take Information in what manner ſuch a precipitate Election had been made. *Hildebrand* ſo much careſs'd the Count, that he induc'd him to write in his Favour; and *Henry* ſeeing it would be to no purpoſe to oppoſe an Election already made, becauſe *Hildebrand* was more powerful in *Rome* than he, conſented to it. So he was ordain'd Prieſt, and afterwards Biſhop of *Rome*, in the Month of *June* of the ſame Year 1073, and at his Ordination took the Name of *Gregory* VII.

CHAP. III.

Robert *conquers the Principalities of* Salerno *and* Amalphis.

ROBERT after having ſubdu'd *Sicily*, reſolv'd preſently to add the other Provinces that remain'd in our Country to his Dominions; and by a lucky Opportunity, which we ſhall relate, he was ſucceſsful in the Conqueſt of the Principality of *Salerno* from his Kinſman *Giſulphus*.

THE *Amalphitans*, as we have ſaid, having fallen under the Dominion of *Guaimarus* Prince of *Salerno*, had found his Government too ſevere, and in order to ſhake off the Yoke, had invaded the City, and together with the other Conſpirators near the Sea-ſhore, cruelly murder'd him; but they were ſuppreſs'd by *Guido* his Brother, who, in the Space of five Days after the Tumults, recover'd the City, and reſtor'd it to to *Giſulphus* his Nephew, the Son of *Guaimarus*. But for all that *Giſulphus* treated the *Amalphitans* much more harſhly than his Father had done, therefore they reſolv'd to have recourſe to Duke *Robert*, that he would be pleas'd to intercede for them with his Kinſman, to uſe them with ſome Humanity and Tenderneſs. The Duke being mov'd with Compaſſion, ſent Ambaſſadors to *Giſulphus*, begging him to forbear to treat the *Amalphitans* after ſo cruel a manner, but the Prince looking upon this Interceſſion as an impertinent Remonſtrance, receiv'd the Ambaſſadors very coldly; and ſeeking an occaſion to pick a Quarrel, pretended that the Coaſt from *Salerno* to the Port of *Fico* belong'd to him; and likewiſe declared, that he would have *Areco* and *Sancta Euphemia* reſtor'd to his Dominion, of which the Duke had made himſelf Maſter. *Robert* at firſt endeavour'd to gain his Kinſman by fair Means; and to accommodate Matters amicably [1]; but *Giſulphus* refus'd to treat at any rate, perhaps truſting to the Aſſiſtance he expected from *Richard* Prince of *Capua*, who had eſpous'd his Intereſt, and was then at Variance with *Robert Guiſcard*; who, that he might not have two Enemies to contend with, adjuſted Matters privately with *Richard*, and having made him very advantageous Offers, perſuaded him to be on his Side againſt the Prince of *Salerno* [2]. He likewiſe made a particular Treaty with the *Amalphitans*, and took them under his Protection, and having put a Garriſon into their City, prepar'd to lay Siege to the City of *Salerno* with his own Troops, and thoſe of the Prince of *Capua*.

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[1] Malat. lib. 3. cap. 2.

[2] Gul. Appul. lib. 3.

ALL thoſe who had the Intereſt of *Giſulphus* at Heart, counſell'd him to ward off the Blow; and *Gregory* VII. who lov'd him as his Son, and *Deſiderius* his great Friend, adviſ'd him not to break with *Robert* [1]; but he being obſtinate did not liſten to them. However *Deſiderius* did not deſiſt, but knowing that *Robert* had already beſieg'd *Salerno*, he ingag'd Prince *Richard* to go with him in order to ſoften *Giſulphus*; but all to no purpoſe: On the contrary, he could not forbear declaring, out of an ill-grounded Pride, that he did not value the Duke's Friendſhip a Ruſh, and renounced it for ever.

ROBERT being highly offended, laid aſide all fair Means, and beſieg'd that City ſo cloſely, that at the End of five Months it was reduc'd to the utmoſt Neceſſity. Thoſe who commanded the Place, perceiving they could hold it no longer, thought on their own Security [2]. One of the chief Perſons in the Place was *Bacelardus* Son of *Umfred*, who, after having in vain expected Aſſiſtance from the Emperor of *Conſtantinople*, had return'd into *Puglia*, and us'd all Means to be reveng'd of his Uncle; but being afraid that if he ſhould fall into his Hands, he would uſe him with the utmoſt Severity, he fled in the Night-time to *Sanſeverino*, in the Neighbourhood, where he was receiv'd. The Duke wrote to Count *Roger* to come with all haſte from *Sicily* to beſiege *Sanſeverino*, whilſt he ſhould put an End to the Siege of *Salerno*. But he ſoon made himſelf Maſter of the Place, for the Walls of the City were ſo batter'd down, that the Inhabitants came to invite *Robert* to enter at the largeſt Breach, to prevent the Miſfortune to which a Place taken by Aſſault was liable. However *Giſulphus* did not ſurrender for all that, but defended himſelf in the Citadel; but being furiouſly attack'd by *Robert*, he was forc'd at laſt to ſhew as much Submiſſion, as formerly he had ſhewn Pride; he yielded himſelf to the Clemency of the Victor, and of all Favours begg'd that of his Liberty, which was granted him; and having firſt retir'd to *Monte Caſſino*, he afterwards put himſelf under the Protection of Pope *Gregory* VII. who aſſign'd him ſome Villages in *Campania di Roma* to live in; nevertheleſs he continu'd to take the Title of Prince of *Salerno*, and Duke of *Puglia* and *Calabria*, as his Father *Guaimarus* had done, but not of *Sicily*, as by a Miſtake we read in the Pedigree of the Princes of *Salerno* written by *Pellegrinus*.

THE Duke cauſ'd *Salerno* to be fortified anew, and march'd againſt *Bacelardus* to prevent his fortifying himſelf in *Sanſeverino*. In a ſhort time he join'd his Brother *Roger*, who had already attack'd the Place; ſo that being more cloſely beſieg'd, it was oblig'd to capitulate; which made *Bacelardus* and his Brother *Hermanus* reſolve to retire again to *Conſtantinople*, where theſe unfortunate Princes ſpent the reſt of their Days in great Miſery, and where after many Years they died.

THUS in the Year 1075, according to the Anonymous *Caſſinenſis*, *Fr. Tolomeo* of *Lucca*, and *Camillus Pellegrinus*, was the Principality of *Salerno* united to the Dukedoms of *Puglia*, *Calabria* and *Sicily*, under the famous Duke *Robert*, who alſo being Maſter of *Amalphis*, threaten'd likewiſe to ſubdue what remain'd of theſe Provinces to his Dominion. And thus were the *Longobard* Princes extinguiſh'd in *Salerno*; but that Nation was not quite extirpated; there were ſtill many Families of *Longobard* Extract, both in the Principality of *Capua*, and in the neighbouring Countries [3]. There ſtill remain'd *Guaimarus* Count of *Capaccio*, *Pandulphus* Count of *Corneto*, *Jordanus* Lord of *Caſtello*, *Corneto del Cilento* Nephew of Prince *Guaimarus*, *Aſtolphus* Son of Count *Giſulphus*, *Romualdus* Son of *Peter* Count of *Atenulfo*, *Caſtelmannus* Son of Count *Adelferius*, *Berengarius* Son of Count *Alphanus*, *John* and *Landulphus* Sons of Count *Ademarus*, ſurnam'd *the Red*, *John* Son of Count *Guaimarus*, *Glorioſus* Son of Count *Pandulphus*, who were ſtill alive in the Years 1110 and 1114; and *Sicelgaita* Daughter of *Glorioſus*, and Widow of *Marinus Cacapece* of *Naples*, was ſtill alive in the Year 1115 [4]. So likewiſe *Pellegrinus* relates, that the Noble Family of *Porta* in *Salerno*, deſcended of the Counts *Guaiferius* and *Albertus*, who were of *Longobard* Extract, continu'd in a direct Line till the Year 1335, as is mention'd in the ancient Charters; as alſo we find in old Monuments many other *Salernitan* Counts for ſeven or eight Generations down to that Time, as the ſame Author atteſts. And tho' it be next to impoſſible to find a Series of them in a direct Line, yet for all that the *Longobard* Blood is not quite loſt in this Province; and perhaps at this Time is conceal'd under the coarſe Cloths of Boors and Ruſticks. This lets us ſee, that Noble Blood is of no Value, when Splendor and Riches have left it.

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[1] Paul. Diacon. lib. 3. cap. 45.

[2] Malater. lib. 3. cap. 4.

[3] Pellegr. in Stem. Princ. Salern.

[4] Idem.

CHAP. IV.

The Principality of Benevento *intirely ſubjected to the Dominion of the* Normans, *and the City of* Benevento *to the Church of* Rome.

PRINCE *Giſulphus* being expell'd *Salerno* and *Amalphis*, made *Gregory* VII. very much dread the Conſequence of the Growth of the *Norman* Princes; but eſpecially he was deſirous to have *Giſulphus* reſtor'd, whom he ſo much lov'd, becauſe by that Means he might be able to ballance the Power of thoſe Princes, therefore he watch'd an Opportunity to bring it about. He was alſo encourag'd to ſet up another Party againſt *Robert*, and to take his expell'd Nephews under his Protection; but it was not long before *Robert* and his Brother *Richard* furniſh'd him a large Field for Quarrels and Intrigues. Theſe Princes, not content with having expell'd *Giſulphus* from *Salerno*, but ſeeing he had got Shelter in *Campania di Roma*, under *Gregory*, they reſolv'd to purſue him even in that Place, and on that account to invade *Campania*; whereupon they immediately march'd their Army that way, and took Poſſeſſion of a Part of *Marca d'Ancona* [1]. But as ſoon as the News reach'd *Rome*, that theſe Princes had enter'd upon the Lands of the Church, *Gregory*, who of all the Popes was the leaſt capable to ſuffer ſuch an Affront, and who wanted nothing more than ſuch an Occaſion for driving out his Enemies, call'd a Council in *Rome*, and with publick Ceremony and Solemnity excommunicated theſe two Princes and their Adherents [2]. But perceiving that they did not much mind theſe Thunderbolts, at the ſame Time he apply'd more effectual Means; he ſent a good Army againſt them, which made them quickly retreat. The Duke and Prince, that they might not loſe the Opportunity of making other Conqueſts elſewhere, came and beſieg'd the Cities of *Benevento* and *Naples*. The Duke inveſted *Benevento*, and the Prince *Naples*.

THE City of *Benevento* was at this Time govern'd by *Landulphus* VI. This Prince, tho' he had been the Father of many Children, yet they had all died in his Life-time. *Pandulphus* whom he had made Partner in the Principality, had been kill'd in the Year 1074, by the *Normans* near *Monte Sarchio*; ſo that he ſurviving all his Sons, held the Principality till the Year 1077, but being full of Years and decay'd, after having reign'd 39 Years in *Benevento*, he ended his Days there in 1077, and leaving no Iſſue, the Succeſſion of the Princes of *Benevento* fail'd in him. This is the Period of this Principality; ſuch is the Inſtability of worldly Affairs. This Principality which above all others extended its Bounds the moſt, and in the Time of *Arechis* comprehended almoſt all that which is now the Kingdom of

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[1] Paul. Diacon. lib. 3. cap. 45.

[2] Baron. in fine lib. Epiſt. Gregorii VII. Celebravit Synodum Romæ, in qua excommunicavit Robertam Guiſcardum Ducem Apuliæ & Calabriæ, & Siciliæ cum omnibus fautoribus ejus.

Naples, at this Time was quite extinguiſh'd, which Misfortune did not happen to the Principalities of *Capua* and *Salerno*; for tho' the *Longobard* Princes fail'd in them, yet the Principalities continu'd long under the *Normans*; and tho' *Roger* form'd theſe Provinces into a Kingdom, yet he did not extinguiſh theſe Principalities; for among other Titles he took likewiſe thoſe of Prince of *Capua* and *Salerno*, with which he alſo adorn'd his Sons. But that of *Benevento* was quite extinguiſh'd, for the City came under the Dominion of the Popes, and the other Lands and Cities of the Principality became ſubject to the *Normans*, which they added to the other Provinces they had conquer'd; wherefore in their Titles they did not retain that of Prince of *Benevento*, as being quite extinct.

THEREFORE on the Death of *Landulphus* VI. the laſt Prince of *Benevento* without Iſſue, *Gregory* laid Claim to the City as belonging to the Church of *Rome*. On the other hand *Robert*, who had made himſelf Maſter of many Towns of this Principality, reſolv'd to reduce *Benevento* under his Dominion, as he had done thoſe Towns which acknowledg'd it for their Head. Therefore committing the Charge of the Siege of *Naples* to *Richard* Prince of *Capua*, he took that of *Benevento* upon himſelf. But *Benevento*, by the Vigilance and Direction of *Gregory*, and *Naples* by the Bravery of its Citizens, who defended themſelves gallantly, held out a long Time.

IN the mean time *Richard* was taken ill, and being reconcil'd to *Gregory*, and abſolv'd from the Cenſures of the Church, died ſoon after. *Giordanus* his Son, who ſucceeded him, differing in Sentiments from his Father, immediately rais'd the Siege of *Naples*, and breaking the League his Father had made with *Robert*, join'd with the Pope. *Robert* likewiſe having left ſome Troops at the Siege of *Benevento*, had retir'd into *Calabria*; ſo that *Giordanus* taking Advantage of his Abſence, in Confederacy with the Pope, puſh'd on Matters ſo far, that having receiv'd a great Sum of Money from the *Beneventans*, he immediately rais'd the Siege of their City, levell'd all their Works, and broke the Machines which *Robert* had prepar'd for reducing that City to his Obedience.

ROBERT was ſo much provok'd at this Behaviour of *Giordanus*, that he immediately return'd from *Calabria* into *Puglia*, where after the Reduction of *Aſcoli*, *Monte Vico*, and *Ariano*, he march'd preſently to the River *Sarno*, where he lay, in order to give him Battle; and they would actually have enagag'd if the Abbot *Deſiderius* had not interpos'd, who manag'd Matters ſo effectually, and with ſo much Dexterity, that he pacified *Robert*, and got him to conſent to a Peace, and made theſe two Princes as good Friends as formerly [1]. *Deſiderius* likewiſe reconcil'd *Robert* with the Pope, and was ſo much a Friend to both, that he went to *Rome* and got the Pope to abſolve him from the Excommunication, and had the Glory to make Peace between theſe Princes, at the very Time, when by their Quarrels and Debates they were ſo exaſperated againſt one another, that a bloody and cruel War ſeem'd unavoidable.

THUS the *Normans* being made Friends with the Pope, obtain'd Abſolution from the Cenſure; and on the other hand *Robert* having reduc'd the Towns of *Monticulo*, *Carbonara*, *Pietrapalumbo*, *Monteverde*, *Genziano* and *Spinazzola* under his Obedience, had no mind to renew the Siege of *Benevento*, but left it intirely free to *Gregory*; from this Time this City began to be govern'd by the Church of *Rome*, which introduc'd a new Polity, and ſent Governors to it, who, for the moſt Part were Cardinals [2].

THUS did the City of *Benevento* come under the Dominion of the Church of *Rome*, before theſe Provinces were united and form'd into a Kingdom; for which reaſon, the Popes in the Inveſtitures they have ever ſince this Time given of the Kingdom of *Naples*, reſerve to themſelves the City of *Benevento*, as not comprehended therein, but independant on it, and ſubject to the Church of *Rome*; whence the *Beneventans* are reputed Foreigners, and not Natives of the Kingdom.

THUS we ſee how theſe our Provinces, that were ſubject to ſo many Princes, by Degrees came to be united in the Perſon of *Robert*, and at laſt under *Roger* Count of *Sicily*, were join'd and form'd into a Kingdom. Now there remain'd nothing for *Robert* to conquer but the ſmall Dukedom of *Naples*. This Dukedom tho' it acknowledg'd the Emperors of the Eaſt for their Sovereigns, and it may be ſeen in the Writings of theſe laſt Times, that the Names of thoſe Emperors were inſerted in them, as may be obſerv'd in that quoted by *Summontes*, which we ſee is in the Name of *Alexius Comnenus*; nevertheleſs it maintain'd itſelf in the Form of a Republick, govern'd by its Dukes and Conſuls, who by reaſon of the Declenſion of the *Greeks* in theſe Parts, had, in a Manner, thrown off all Dependance on the Emperors of the Eaſt. All the reſt had been conquer'd by the *Normans*; by *Robert Guiſcard*, *Puglia*, *Calabria*, the Principality of *Bari*, *Salerno*, *Amalphis*, *Sorrento* and the Lands of the Dukedom of *Benevento*: By *Richard*, the Principality of *Capua*, and the Dukedom of *Gaeta*, which City, though it had its particular Dukes, yet depended on the Prince of *Capua*.

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[1] Pet. Diacon. Auct. lib. 3. cap. 45.

[2] Anon. in Chr. Duc. & Princ. Ben. n. 15. apud Pellegr. Poſt cujus principis obitum, recta eſt Civitas per Romanam Eccleſiam.

CHAP. V.

The Debates which the Emperor Henry *had with Pope* Gregory, *who had recourſe to Duke* Robert, *and was by him reliev'd when beſieg'd in Caſtle St.* Angelo, *by the Emperor's Army.*

THE Peace which *Deſiderius* had manag'd between the Pope and Duke *Robert*, was ſo ſeaſonable for them both, that many Advantages reſulted to each of them from it; but eſpecially to *Gregory*, who otherwiſe muſt have been involv'd in great and inſuperable Difficulties; for without the Aſſiſtance of *Robert*, he had certainly been cruſh'd by *Henry*. The Diſcords between him and the Emperor were come to that Height, that they broke out into an open Quarrel, and at laſt ended in Seditions, Wars and obſtinate Schiſms. The Emperor ſtorm'd that the Pope had depriv'd him of the Right of Inveſtiture, and that he had no Share in the Election of the Popes, and beſides, was highly offended that the Counteſs *Mathilda* had made over many Lands and Caſtles in *Liguria* and *Tuſcany* to the Apoſtolick See [1]. *Gregory* on the other Hand, accus'd *Henry*, that for Money, and by his private Authority, he had inveſted Biſhops and Abbots, and at firſt check'd him ſeverely, but afterwards, in the Year 1076, he proceded to Cenſures. *Henry* likewiſe offended at a ſaucy Embaſſy that *Gregory* had ſent him, immediately call'd a Council in *Worms*, in which *Gregory* was accus'd of many Crimes and Enormities, and depos'd; afterwards he ſent his Ambaſſadors to *Rome*, with contemptuous and reproachful Letters, commanding him to quit the Papacy. On the other hand, *Gregory* having call'd another Council in *Rome*, excommunicated all the Biſhops who had conſented to his Depoſition in *Worms*; depos'd *Henry* from the Kingdoms of *Germany* and *Italy*, and abſolv'd all his Subjects from the Oath of Fealty they had taken to him; forbidding them to pay him any more Obedience, and exhorting all Princes to riſe in Arms againſt him. The Princes of *Germany* conſidering that it would be of dangerous Conſequence to have any Quarrel with the Pope, now when he was ingag'd in a War with the *Saxons*, perſuaded the Emperor to make Peace with him, and at the ſame Time they ſollicited the Pope to come into *Germany*, that all Differences might be made up. *Gregory* pretended to be willing, but being arriv'd at *Vercelli*, he retir'd to *Canoſſa*, a Caſtle ſituated in the Diſtrict of *Reggio*. *Henry* being hard put to it by the *Saxons*, deſign'd at any rate to make Peace with the Pope, ſo that quickly paſſing the *Alps*, he came to *Canoſſa* and begg'd his Pardon [1]. *Gregory* at firſt would not admit him, but after having made him attend Three Days bare-footed, at the Gate of the Caſtle, by the Interceſſion of the Pope's Creatures, and the Princes of the Empire, he at laſt granted him Pardon.

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[1] Auctuar. P. Diac. in Oſtienſ. lib. 3. cap. 49.

BUT *Gregory* knowing that *Henry*, on the account of the rough Uſage he had met with, would be more irritated, and being appriz'd by *Mathilda*, that the Emperor was ſetting a Trap to catch him, immediately return'd to *Rome*, where in the Year 1080, with greater Solemnity he excommunicated him anew, depos'd him from the Empire, abſolv'd his Vaſſals from their Oaths, and forbad all Chriſtians to obey him, and gave the Kingdom of *Germany* to *Rodolphus* Duke of *Suevia*, and exhorted all the Princes of *Germany* to elect him Emperor. When *Henry* heard that the *Saxons* had elected *Rodolphus* Emperor, in oppoſition to him, he left *Italy*, went to *France* and ingag'd in Battle with *Rodolphus*; they fought gallantly, and there was terrible Slaughter on both Sides; but Night coming on, the Deciſion was reſerv'd till the next Day, when the Battle was begun afreſh, and at laſt *Rodolphus*'s Army giving way, *Henry* obtain'd a compleat Victory. *Rodolphus* was kill'd in this Battle, but before he died, held up his bleeding Hand, in preſence of his Captains, and ſaid [2]; *You ſee this Hand; with this I ſwore to my Lord* Henry, *not to attempt upon his Life and Honour; but the Pope forc'd me to break my Oaths, and uſurp that Honour which did not belong to me. What End I have brought my ſelf to, you now ſee; and they who put me upon this, will find the Fruits of it.*

AFTER *Henry* had vanquiſh'd his Rival, he return'd into *Italy*, to revenge the Affront put upon him by *Gregory*; and having call'd a Council of Biſhops, firſt in *Mentz*, afterwards in *Breſlaw*, he caus'd *Gregory* to be depos'd, and in his Room the Archbiſhop of *Ravenna* was elected Pope, who took the Name of *Clement* III. from thence marching to *Rome* with a powerful Army, he drove out *Gregory*, and plac'd *Clement* in that See [3], and would have him to crown him Emperor. In the mean time, *Gregory*, with his Adherents, had retir'd into Caſtle St. *Angelo*, where he could get no Aſſiſtance from the *Romans*, and none elſe were willing to ſuccour him, becauſe the Emperor's Forces were too many for them; one may eaſily gueſs in what a Conſternation his Holineſs was in. And beſides, *Giordanus* Prince of *Capua*, and his *Normans*, being afraid that *Henry*, at the Head of ſo formidable an Army, would expel them that Principality, join'd with him againſt *Gregory* [4], ſo that the Pope was reduc'd to a lamentable Condition.

HE had no other Remedy, but to have recourſe to the renown'd *Robert*. But he was at too great a Diſtance to give him Relief: This Prince a few Years before, had given in Marriage one of his Daughters, nam'd *Helena*, to *Conſtantine* the Son of the Emperor *Michael Ducas*, a Prince of ſuch Comelineſs, and ſo well diſpos'd, that the Princeſs *Anna Comnena* did not ſcruple to ſay, That he was the Maſter-piece of God's Creation. This Princeſs could not bridle the Paſſion ſhe had conceiv'd againſt the Emperor *Michael*, for having beſtow'd ſo accompliſh'd a Son on the Daughter of a Man ſuch as *Robert* was, whom, according to the Vanity and Haughtineſs of the *Greeks*, ſhe call'd a pitiful Robber, and unworthy to be allied with the Emperors of the Eaſt; but this unhappy Princeſs *Helena*, a few Years after, had fallen into the utmoſt Miſery, for *Nicephorus Botoniates* having driven *Michael* from the Empire of the Eaſt, had confin'd all his Family to a Monaſtery, and, with unheard-of Barbarity, had caſtrated *Conſtantine*, the Husband of Princeſs *Helena*. Such an outragious Injury was an Affront done to Duke *Robert*, who could do no leſs than intereſt himſelf in the Affair, and beſides, he look'd upon this Occaſion of carrying his Arms into the Eaſt, with a ſecret Pleaſure.

FOR which Cauſe, he receiv'd very graciouſly a *Greek*, who appear'd at his Court, and who gave out that he was the Emperor *Michael*, and to gain the more Credit, he gave a particular Account of his Eſcape from the Monaſtery, to which he ſaid he had been confin'd, for contracting Alliance with the *Normans*. The Duke caus'd extraordinary Honour to be paid his Perſonage, as if he had really been the Emperor [5]. Neverthele ſs many Lords, who had been at *Conſtantinople*, and ſeen *Michael*, could not be perſuaded that it was he, or if it was, he was very much alter'd.

[1] Auctuar. P. Diac. lib. 3. cap. 49.

[2] Hemoldus Chronici Sclavorum lib. 1. c. 29.

[3] Auctuar. P. Diac. lib. 3. cap. 50 & 53.

[4] Auct. P. Diac. lib. 3. cap. 50.

[5] Malat. lib. 3. Anna Comn. lib. 4.

alter'd. But *Robert* did not care to enter into the detail of the Matter, whether he was the real or a counterfeit *Michael*; it was the ſame for his Purpoſe. He pretended only to reconduct him to *Conſtantinople*, at the Head of an Army, and to reſtore him to the Imperial Throne, perhaps with Intention to take Poſſeſſion of it himſelf, if he ſhould find that this Perſon was not the real *Michael*. In effect it was thought to be a very good Handle, whereby he might the more eaſily draw in the *Greeks*, and have a plauſible Pretence to concern himſelf in the Affairs of the Empire of the Eaſt: Whoever the ſuppos'd *Michael* might be, whom *Anna Comnena* calls a *Greek* Monk, nam'd *Rector*, *Robert* did not neglect to take Advantage of the Character he took upon him.

BUT when the Duke had made ready every thing neceſſary for ſo important an Expedition, he had Advice, that there had been a new Revolution in *Conſtantinople*, and that the Princeſs *Helena* had been ſet at Liberty, from the miſerable Priſon ſhe had been ſhut up in; for *Alexius Comnenus* a little before, having been proclaim'd Emperor in *Thrace* by the Legions, had depos'd *Nicephorus Botoniates*, and caus'd him to be ſhav'd, and had enter'd Triumphantly into *Conſtantinople*, where having taken the Princeſs *Helena* out of the Monaſtery, he treated her very honourably; by ſo doing, he deſign'd to gain over Duke *Robert* to his Intereſt, whom he much eſteem'd, and much more fear'd, leſt he ſhould oppoſe him in the Infancy of his good Fortune.

BUT all this did not put a Stop to *Robert*'s Deſigns, who having every thing in Readineſs for that Expedition, loſt no Time in ſetting about it; ſo that having gone to *Otranto*, where he was to embark his Army, he firſt provided for the Government of his Dominions in *Italy*, which he left to *Roger*, ſurnam'd *Burſa*, his ſecond Son, whom he had by *Sigelgaita* his ſecond Wife, and at the ſame time, in preſence of the People, declar'd him Heir of the Dukedoms of *Puglia*, *Calabria* and *Sicily*[1]. This was a genteel and gallant Prince; he left him for Miniſters, *Robert* Count of *Loritello* his Nephew, and Count *Gerard*, a Perſon of great Experience and known Integrity.

He embark'd with his Dutcheſs *Sigelgaita*, who, like a Heroine, would follow her Husband at the Head of his Army. He likewiſe took along with him the valiant *Boemondus* his Son, whom he had by his firſt Wife *Adelgrita*, and ſome *Norman* Barons. In the Year 1081, being arriv'd at the Iſle of *Corfu*, they landed and attack'd the Forts, in order to reduce that Iſland to their Obedience: *Alexius* being appriz'd of *Robert*'s Motions, prepar'd an Army to ſuppreſs him; whence commenc'd ſo bloody a War, full of ſo great Events, that the Princeſs *Anna Comnena*, the Daughter of the Emperor *Alexius*, was induc'd to write the Hiſtory of it, in which, though ſhe ſtrove to magnify the Actions of her Father, yet ſhe could not mention *Robert*, without commending his extreme Valour and Magnanimity. My purpoſe obliging me to paſs over ſo renown'd Adventures, I refer the Curious to the Hiſtory of this Princeſs, and to what *Malaterra*, and *Gulielmus Puglienſis* have written of them. In ſhort, after *Robert* had taken the City of *Durazzo*, he made himſelf Maſter of that Iſland, and aſpiring to greater Matters, he carried his Conqueſts into *Bulgaria*, and made all that Country tremble at the Hearing of his Name, even to the Gates of *Conſtantinople*.

WHILST this illuſtrious Hero was ingag'd in this War with *Alexius Comnenus*, he receiv'd preſſing and earneſt Letters from Pope *Gregory*[2], who at the ſame time congratulated him upon his Victories in the Eaſt, and repreſented to him the urgent Occaſion the Apoſtolick See had for his Aſſiſtance, and the lamentable Condition he himſelf was in by *Henry*'s Army. The Duke, before he left *Otranto*, had been appriz'd of *Henry*'s Attempts, who had ſent him Ambaſſadors, in order to bring him over to his Party; but *Robert* diſmiſs'd the Ambaſſadors immediately, and adviſ'd the Pope of it in ſuch obliging Terms, as even to declare, that if his Troops had not been already embark'd, he would have led them to *Rome* himſelf; but tho' the State of his Affairs call'd him neceſſarily elſewhere, yet he had not neglected to recommend the Intereſt of the Holy See to Count *Robert* his Nephew, and Count *Girard* his good Friend [1].

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[1] Gul. App. lib. 4.

Advenit interea Conjunx, Comiteſque rogati,
Egregiam Sobolem multo ſpectante Rogerum.
Accerſit Populo, cunctiſq; videntibus illum
Hæredem Statuit, proponit & omnibus illum.
Jus proprium Latii totius, & Appula quoque,
Cum Calabris, Siculiſque loca Dux dat habenda
Rogerio.

[2] Malater. lib. 3.

BUT now that he was diſingag'd from the Conqueſt of *Corfu*, and had carried his Victorious Arms into *Bulgaria*, hearing of the preſſing Neceſſity, though he was ſucceſsful in his Conqueſts, yet he left them off to go and give the Pope the Aſſiſtance he had promis'd him; and leaving the Command of the Army to his Son *Boemondus*, and the Count of *Brienna*, he embark'd for *Italy*, with a ſmall Number of his People in Two Ships, and landed at *Otranto*.

HOWEVER deſirous he was to march immediately to *Rome*, yet he could not do it ſo ſuddenly, but contented himſelf with ſending a large Sum of Money to the Pope, while he ſhould put an End to the Affairs of *Puglia*, that indiſpenſably requir'd his Preſence; for ſome Cities taking advantage of his Abſence, had withdrawn themſelves from his Obedience, and ſoon after his Departure from *Otranto*, the Inhabitants of *Troja* and *Aſcoli*, had firſt of all begun to Mutiny, by refuſing to pay the Tribute to his Son *Roger*, and ſome other Cities, and many Barons had follow'd their bad Example, and at the very Time that he landed in *Otranto*, *Goffredus* Count of *Converſano*, was going to beſiege the City of *Oria*. But the Duke was no ſooner arriv'd, than he diſpers'd the Aggreſſors, who left the Attempt and took themſelves to Flight. With the ſame Facility that he had prevented the Siege of *Oria*, he puniſh'd the City of *Canne*, by deſtroying it altogether, for being more obſtinate in its Mutiny than the reſt. Theſe glorious Expeditions put an end to the ſeditious Commotions that juſt before had ariſen.

NOTHING elſe would have ſtopp'd him from going to *Rome*, had it not been *Giordanus* Prince of *Capua*. This Prince, as we have ſaid, having taken part with *Henry* againſt the Pope, Lorded it over *Campania* with his Troops, ſo that *Robert* was oblig'd to remove this Bar, in order to have free Paſſage to *Rome*: This valliant Champion not only drove away theſe Troops, but alſo laid Siege to *Averſa*, to get Poſſeſſion of it. However *Giordanus* defended the Place gallantly; ſo that *Robert* ſeeing he could not expect to be Maſter of it ſo ſoon, and the Pope preſſing for Relief, abandon'd the Siege, and march'd to *Rome*, where he found *Gregory* cloſely beſieged in Caſtle St. *Angelo*, while the Emperor and his Anti-pope were injoying themſelves peaceably in the *Lateran* Palace. *Henry*, who had but a ſmall Garriſon with him in *Rome*, reſolv'd to quit the City; on the other hand, *Robert* ſurrounded *Rome* with his Army, and early one Morning, drew near to the Gate of St. *Lorenzo*, which he obſerv'd to be worſe guarded than the reſt, and order'd Ladders to be apply'd to the Walls, and mounting thereon, immediately open'd the Gates to all the Army. He march'd through the Streets of *Rome* without any Obſtacle, and coming to Caſtle St. *Angelo*, reliev'd the Pope, and conducted him honourably to the *Lateran* Palace [2].

THE *Romans* of *Henry*'s Faction were ſurpriz'd at ſo gallant an Action, and though afterwards they recover'd a little Courage, and had hatch'd a Conſpiracy againſt the *Normans*, yet *Robert* immediately ſuppreſs'd it in ſuch a Manner, that the *Romans*, terrified, reſolv'd to beg Peace of the Pope, which he granted them.

THE renown'd *Guiſcard* being diſingag'd from ſo glorious an Expedition, and the Tumults quell'd, march'd his Troops out of *Rome* to return to *Puglia*; but *Gregory* not truſting as yet to the *Romans*, and afraid to expoſe himſelf another Time to their Inſults, reſolv'd to follow the Duke and his *Norman* Army. Therefore he left *Rome*, follow'd by the Cardinals and a great Number of Biſhops, and after ſome Days ſtay in *Monte Caſſino*, where they were ſplendidly entertain'd by the Abbot *Deſiderius*, he retir'd into *Salerno*, without ever returning to *Rome*, whoſe Fidelity he always ſuſpected.

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[1] Gul. Appul. lib. 4.
Roberto Comiti committitur, atque Girardo,
Alter fratre Satus, fidiſſimus alter amicus.

[2] Auct. P. Diac. lib. 3. c. 53.

SECT. I.

Inveſtiture given by Gregory VII. *to Duke* Robert.

IN this Progreſs which the Pope made with Duke *Robert*, the Inveſtiture which this Prince had got from *Nicholas* II. and *Alexander* his Predeceſſor, of the Dukedoms of *Puglia*, *Calabria* and *Sicily*, was renew'd by *Gregory*, as we read in the decretal Epiſtles[1] of this Pope, and is dated from *Capperano*, a Place famous afterwards, for the Treaſon hatch'd there by the Count of *Caſerta* againſt King *Manfred*. At this Inveſtiture, the Greatneſs of Soul and the Intrepidity of *Hildebrand* deſerve Admiration, who, notwithſtanding the very ſignal and recent Favours he had receiv'd from *Robert*, yet though he was ſurrounded by the *Norman* Army, he would not conſent to include in the Inveſtiture, the Principality of *Salerno*, the Dukedom of *Amalphis*, and a Part of *Marca Firmana*, which *Robert* had conquer'd ſince the Inveſtiture of Pope *Nicholas*, and which he was then in Poſſeſſion of; but would only inveſt him with what his Predeceſſors *Nicholas* and *Alexander* had done, leaving out theſe other Places.

AND that from this Deed there might no Prejudice reſult to either Party, they both expreſly reſerv'd their Rights. *Robert*, by the Oath of Fealty he took to *Gregory*, promis'd to aſſiſt the Apoſtolick See, and to defend the Regalia, and the Lands of St. *Peter* againſt all Perſons, and not to invade or ſeek to acquire them, expreſly excepting *Salerno*, *Amalphis*, and part of the *Marca Firmana*, of which, as he ſays, *adhuc facta non eſt definitio.* On the other hand, *Gregory* declar'd in the Inveſtiture, that he inveſted him only with what his Predeceſſors *Nicholas* and *Alexander* had granted him, adding, *de illa autem terra, quam iujuſte tenes, ſicut eſt Salernus, & Amalphia, & pars Marchiæ Firmanæ, nunc te patienter Subſtineo in confidentia Dei omnipotentis & tuæ bonitatis, ut tu poſtea exinde ad honorem Dei & Sancti Petri ita te habeas, ſicut ut & te agere, & me ſuſcipere decet, ſine periculo animæ tuæ & meæ.* This ſhews how artful this Pope was, who at the ſame Time that he left *Robert* in ſuſpence, would keep as it were, a Bridle in his Jaws, by making him depend upon himſelf and his Succeſſors for the Inveſtiture of theſe Places; and beſides, would ſhew that it was the Prerogative of the *Roman* Pontiffs only, to take and give other Peoples Dominions, and to juſtify or diſapprove of the Conqueſts of Princes at their Pleaſure, by declaring them Juſt or Unjuſt as they thought fit; he likewiſe found out a very ſubtle Medium betwixt juſt and unjuſt Acquiſitions, to wit, to ſupport unjuſt Poſſeſſors *in confidentia Dei Omnipotentis*, that, according as they behav'd themſelves towards the Church of *Rome*, ſo the Popes were to determine the Conqueſts to be juſt or unjuſt.

THUS we ſee, to what Pitch the Authority of the Popes, and the Stupidity of ſecular Princes, by ſtanding ſo much in Awe of the Cenſures, were arriv'd in theſe Days; for fear of being depos'd, and having their Vaſſels abſolv'd from their Oaths, they were at their Beck, and acknowledg'd their unbounded Authority, to avoid Seditions and deſtructive Revolutions in their Dominions, being terrified at the freſh Inſtance of the Emperor *Henry*, who ſaw a cruel War kindled in *Germany*, only becauſe *Gregory* was not in his Intereſt.

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[1] Vol. 3. Epiſt. Decretal. Greg. VII.

CHAP. VI.

The Conqueſts of Duke Robert *in the Eaſt. His Death, and that of* Gregory VII. *ſoon after.*

WHILST *Robert* was employing his Arms to ſo good Purpoſe in *Italy*, in the Service of the Apoſtolick See, he was amply rewarded by the proſperous Succeſs which his renown'd Son *Boemondus* had in the Eaſt. This gallant Champion, at the ſame time that his Father had the Glory of driving the Emperor of the Weſt from *Rome*, having ingag'd in Battle with *Alexius Comnenus*, had likewiſe the Glory to put the Emperor of the Eaſt to flight in *Bulgaria*.

THE News which *Robert* had of this Victory, gain'd by *Boemondus* over the Emperor *Alexius*, gave him an earneſt Deſire of returning to the Eaſt, to accompliſh what his Son had ſo proſperouſly begun. After he had given the neceſſary Orders to his Officers for the Government of his Dominions in *Italy*, he put to Sea with a conſiderable Fleet, and taking with him his other Son *Roger*, and many principal Barons, and joyning the *Venetian* Fleet betwixt the Iſland of *Corfu* and *Cephalonia*, he went to fight that of the *Greeks*, not inferior in Strength to his own. After they ingag'd, the *Greeks* found themſelves ſo hard preſs'd upon, that they were forc'd to fly. The *Normans* ſunk many Gallies, diſpers'd their Fleet, and taking more than 2500 Priſoners, triumph'd a ſecond Time over their Enemies in the Eaſt[1]. But the Corruption of the Air, which happen'd this horrid Winter, oblig'd the Troops to take ſome Reſt, and ſuch a contagious Diſtemper ſeiz'd the Army, that it deſtroy'd above Ten thouſand of the beſt of it. And *Boemondus* catch'd it to that degree, that he was forc'd to return to *Italy* to breathe a better Air; and there are[2] who write, that this Sickneſs of *Boemondus*, was the Effect of the bad Arts of *Sigelgaita* his Step-mother, who had reſolv'd to poiſon him, leſt this Prince, after his Father's Death, ſhould ſeize on the Dominions of *Puglia* and *Calabria*, in prejudice of her own Son *Roger*. Neither do they ſcruple to ſay, that when *Sigelgaita* was appriz'd that the Duke her Husband had made a Diſcovery of her malicious Deſigns, fearing he would take his Revenge, ſhe reſolv'd likewiſe to poiſon him, and that ſhe actually did it the following Year, and fled with her Son and other Lords of her Party, and put *Roger* in Poſſeſſion of the Dominions in *Italy*, in prejudice of *Boemondus*. However that may be, (for Authors who wrote at the ſame Time, and in the ſame Country where the *Normans* reign'd, report quite contrary Things of the Dutcheſs *Sigelgaita*) after *Boemondus* was gone, the Duke ſent his ſecond Son *Roger*, to beſiege *Cephalonia*, which a little before had rebell'd againſt him.

BUT whilſt this invincible Hero was altogether bent on this Expedition, in the Month of *July*, he was ſeiz'd with a violent Fever, and oblig'd to retire to *Caſopolis*, a ſmall Caſtle on the Promontory of the Iſland of *Corfu*, to be cur'd. *Sigelgaita* went immediately thither, but in the mean time the Fever was become ſo violent, that it ſoon put an End to his Days, in the Sixtieth Year of his Age.

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[1] Anna Comn. lib. 5.

[2] Oder. Vital. lib. 7.

THIS Year 1085, will always be remarkable for the unfortunate and much-to-be lamented Death of this Hero, and of other two great Perſonages of *Europe*. It was unluckly to the *Normans* for the ſad Loſs of *Robert Guiſcard*. It was lamentable to the Church of *Rome*, for the Death of the famous *Hildebrand*. And it was deplorable to *England*, for the Loſs of the renown'd *William the Conqueror*, Duke of *Normandy* and King of *England*[1].

THE News of *Robert's* Death having reach'd the *Norman* Troops in the Eaſt, put the Army into ſuch Conſternation, that they did nothing but lament; and *Sigelgaita* and her Son *Robert*, in all haſte, carried the Duke's Body into *Italy*. When they came to *Otranto*, they perceiv'd it was already begun to Putrify, which made them reſolve to leave the Heart and Bowels there, and having imbalm'd the reſt of the Body anew, they carried it to *Venoſa*, the burying Place of all the other *Norman* Princes. The City of *Venoſa*, as *William* of *Puglia* reports[2] (who here ends the Five Books of his *Latin* Poem) may be proud, above all the other Cities of *Puglia*, both for being the Place of *Horace's* Birth, and for preſerving the Tombs of ſo many illuſtrious Captains. Here remain to this Day the Aſhes of this Hero, whom we may deſervedly ſurname the *Conqueror*. It was by his own Valour and Induſtry alone, that from a plain Gentleman, he rais'd himſelf to be a Sovereign, the moſt dreaded in *Europe*, capable not only to deal with the moſt powerful Princes of the World in his Time, but likewiſe to vanquiſh them, and give them Laws. His Virtues, and the Endowments both of his Body and Mind, were ſo admirable, that his greateſt Enemies, ſuch as the Princeſs *Anna Comnena*, who, though according to the *Greek* Vanity, ſhe ſpoke deſpicably of his Birth, nevertheleſs did not fail to attribute to him all thoſe eminent Qualities, which are requir'd in a *Conqueror*. And though theſe great Actions of his were accompanied with too great a Paſſion for Empire, which often led him to uſe Cruelty and Diſſimulation; yet theſe are the ordinary Imperfections, which no Conqueror ever was, or can be free of. As for the reſt, his Affection for the Chriſtian Religion, with the great Aſſiſtance he gave the Church of *Rome*, the Bounty he beſtow'd on many Churches, and particularly on the Monaſtery of *Caſſino*, cover'd theſe Defects from the Eyes of the World, and beſides, they were generally defended as Maxims of human Politicks.

ROBERT reign'd four Years with the Title of Count of *Puglia* and *Calabria*; Twelve with that of Duke, and Fourteen with that of Duke of *Puglia*, *Calabria*, *Sicily*, and Lord of *Palermo*. He liv'd in *Italy* from 1047 to 1085, Thirty-nine Years, and left Two Sons by as many Wives. Some report, that to prevent Diſputes about the Succeſſion to his Dominions, he left by his Will, *Sicily* to his Brother *Roger*, with which he had inveſted him in his Life-time, with the Title of Count. To his eldeſt Son *Boemondus*, all that he had conquer'd in the Eaſt; and to his ſecond Son *Roger*, by *Sigelgaita*, the Dukedoms of *Puglia* and *Calabria*, the Principality of *Salerno*, and all that he poſſeſs'd in *Italy*. 'Tis likewiſe ſaid, that though he had treated his ſecond Son better than the Eldeſt, as well becauſe *Sigelgaita* was preſent at making the Will, who got her own Son preferr'd to her Step-ſon, as becauſe *Boemondus* being born of his firſt Wife, whom he did not reckon a lawful one, as being too near akin to him, he thought *Roger* more lawfully begotten than *Boemondus*, and therefore preferr'd the one to the other. But, either he did not make a Will, as is queſtion'd by ſome, or theſe his Sons were not contented with it; for *Roger* and *Boemondus* both pretended to ſucceed, and each of them had conſiderable Factions. But by the Cunning of *Sigelgaita*, who got *Roger* Count of *Sicily*, to favour his Nephew her Son, his Faction grew the ſtrongeſt; ſo that having ſucceeded to the Dukedoms of *Puglia* and *Calabria*, and all the other Dominions of *Italy*, conquer'd by *Guiſcard*, he began to take upon him the Government of theſe Provinces[3]. And beſides, *Roger* Count of *Sicily*, having kept a more ſtrict Friendſhip with *Roger* than with *Boemondus*, for a further Teſtimony of his Kindneſs, had yielded many Places to him in *Calabria*, which Duke *Robert* had reſerv'd for the Count of *Sicily*. Thus the Count having openly declar'd himſelf in *Roger's* Intereſt, ſought all Opportunities to ſupport it againſt the Efforts of *Boemondus*, who often, but in vain, endeavour'd to diſturb his Dominions.

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[1] Protoſpata, l'Anonymo di Bari, Orderico. La Cronica di Foſſa nova, tom. 1. Ital. Sacr. Ughel. col. 46. la Cronica de Duchi di Benevento nell' hiſtoria Longob. del Pellegrino. La Cronica dell' Anonymo, Monaco di S. Sofia di Benevento. La Cronica Salernitano nella cit. hiſt. Longob. l'Anonymo, Sigonio, Paninvinio, Gordonio & Pirri: *All theſe make the Death of* Guiſcard *to have happen'd this Year* 1085.

[2] Gul. App.
Urbs Venuſina nitet tantis decorata ſepulchris.

[3] Malater. lib. 3. cap. 42.

THIS Year 1085 was likewiſe remarkable for the Death of the famous *Hildebrand* in *Salerno*, a Death very ominous and deplorable to the Church of *Rome*. She loſt a Pope the moſt Daring and Intrepid of all that ever had poſſeſs'd that See; he did not ſtick at the moſt evident Dangers, where his Honour or Liberty were at Stake, in order to defend thoſe Prerogatives and Pre-eminences which he reckon'd belong'd to the Apoſtolick See, againſt the greateſt Kings and Monarchs of the Earth; and if he was perſuaded that what he took in Hand was ſupported by juſt Pretenſions, he became more bold and forward than the Princes themſelves. It was he, who raiſing his Croſier above Scepters and Crowns, as if his being Head of the Univerſal Church, had intitled him to be Monarch of the World, and King of Kings, and Emperor of Emperors; treated Princes, yea, the very Emperors, with ſo much Diſdain and Haughtineſs, that he did not ſcruple to excommunicate them, depoſe them from their Dominions, which he transferr'd to other Nations, and abſolve their Vaſſals from their Obedience.

BY his ſeeming to be convinc'd that he had Power to do all this, and by his great Zeal for Juſtice, and the Defence of the Apoſtolick See, he gain'd the Applauſe of many, who reckon'd him a Zealous, Pious, Religious, and Juſt Man, a learned Canoniſt, a good Divine, and a bold Defender of the Eccleſiaſtical Rights and Liberties. To which were added ſome other Virtues, wherewith he was adorn'd, ſuch as an auſtere Life, and an unwearied Application to the Intereſt of that See; his Compaſſion towards the Poor, his defending the Oppreſſed, and protecting the Innocent, acquir'd him the Fame of a Saint; ſo that tho' ſome of his contemporary Writers have given him a different Character, ſome calling him an Innovator, Ambitious, Cruel, Perfidious, Haughty, a Diſturber of Kingdoms and Provinces, Author of Seditions, Slaughter, and cruel Wars, and who had a Mind to eſtabliſh an intolerable Authority in the Church, as well in Spirituals as Temporals; yet there are others, according as their Intereſt led them, who have given him the Character of a Pope altogether zealous for the Service of God, wiſe, pious, and merciful; yea, a Modern Author gives to him, no leſs than to *Gregory* I. the Surname of *Great*, becauſe to a certain Greatneſs of Soul, and Intrepidity of Mind, he join'd a holy Life and Converſation, above all the Princes of his Time. But none has drawn the Picture of this Pope better, or ſo much to the Life, as that judicious Painter, who drew it in the Church of St. *Severino* in *Naples*. We ſee there the Image of this Pope, amongſt thoſe of the other Pontiffs of the Order of St. *Benedict*, having in his Left-Hand the Croſier with Fiſhes, in the Right-Hand, lifted up in a laſhing Poſture, a prodigious Scourge, and under his Feet, Scepters, Imperial and Royal Crowns. And after having ſhewn *Gregory* to have been the Terror and Scourge of Princes, and to have trampled on Scepters and Crowns; being likewiſe willing to ſhew, that all this was very conſiſtent with a holy Life, and Purity of Manners, he has written above his Head, in Letters a Cubit long, theſe Words; *Sanctus Gregorius* VII.

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[a] Palavicin. hiſt. del. Conc. di Trent.

CHAP. VII.

Boemondus *diſturbs the Dominions of his Brother.* Amalphis *and* Capua *revolt. The Origine of the* Cruſades.

THE Death of *Gregory* occaſion'd terrible Diſorders in the Church of *Rome*, for the *Romans* being put to a puzzle about the Election of a Succeſſor, by reaſon that *Gilbert* the Antipope had made himſelf Maſter of ſome Churches of *Rome*, and would have himſelf to be acknowledg'd for lawful Pope; at laſt, a Year after they determin'd to elect *Deſiderius* the famous Abbot of *Caſſino*, as *Hildebrand* himſelf had advis'd, that ſeeing it was neceſſary for the Good of the Church, to have a Pope of Weight and Influence with Secular Princes, they ſhould not overlook *Deſiderius*. But he oppos'd it, and ſtood out ſo obſtinately, that in fine, by Force, and againſt his Will, they proclaim'd him Pope by the Name of *Victor* III. But he ſtubbornly perſiſting in his Refuſal, it was thought neceſſary to call a Council in *Capua*, to which the *Norman* Princes were likewiſe invited, that they might uſe their Intereſt to get *Deſiderius* to accept of the Papacy. *Roger* Duke of *Puglia* was at ſuch Pains on this Occaſion, that he brought him at laſt to accept of it; and having conducted him to *Rome*, turn'd *Gilbert* out of the Church of St. *Peter* by Force, and caus'd *Victor* to be ordain'd. *Hugo* Biſhop of *Die*, Legate of *Gregory* VII. and promoted to the Archbiſhoprick of *Lyons*, pretended likewiſe to the Papacy; and he was one of thoſe, who moſt of all oppos'd the Ordination of *Victor*. The *Romans* of *Gilbert's* Faction took Poſſeſſion of the Church of St. *Peter* anew, and after many Acts of Hoſtility, *Victor* was oblig'd to retire to his Monaſtery of *Monte Caſſino*, from whence in the Month of *Auguſt* he went to *Benevento*, in order to hold a Council, compos'd of the Biſhops of *Puglia* and *Calabria*, in which he made an Harangue againſt *Gilbert*, and excommunicated him anew. He there alſo excommunicated the Archbiſhop of *Lyons*, and the Biſhop of *Marſeilles*, and renew'd the Prohibition againſt receiving the Inveſtiture of the Benefices from the Hands of Laicks. But whilſt *Victor* was holding this Council, he was taken ill, which made him in all haſte return to *Monte Caſſino*, where he died, the 16th of *September*, in the Year 1087, after having appointed *Otho* Biſhop of *Oſtia* his Succeſſor.

THE Church of *Rome* therefore by the Death of *Victor*, fell into freſh Troubles about the Election of a Succeſſor; at laſt the *Romans* elected *Otho* Pope, who was a *Frenchman* of *Chatillon*, in the Dioceſs of *Rheims*, and had been taken from the Monaſtery of *Clugny* to be a Cardinal, and had done ſignal Service to *Gregory* VII. who had ſent him Legate into *Germany* againſt *Henry*. He was elected in a Meeting of Cardinals and Biſhops held in *Terracina*, and nam'd *Urban* II.

THIS *Urban*, of all the Popes, had the greateſt Love for the *Normans*; for obſerving that *Boemondus* took it in ill Part that *Roger* poſſeſs'd ſo many Dominions in *Italy*, and on his Return to *Otranto* commenc'd a War againſt his Brother, interpos'd, and made an Agreement betwixt them, on theſe Conditions, that *Boemondus*, beſides what he poſſeſs'd, ſhould have the Cities of *Maida* and *Coſenza*; but afterwards they exchang'd theſe Cities, and in place of *Coſenza*, *Boemondus* got *Bari*, and *Coſenza* continu'd to be Duke *Roger's*. This Year 1089, Pope *Urban* went to *Melphis* [1] in order to celebrate a Council, wherein he open'd the Project of the grand Cruſade, and the League againſt the Infidels was concluded; Duke *Roger* went thither to pay his Reſpects to *Urban*, who confirm'd his Inveſtiture, as his Predeceſſors had done to *Robert* his Father [2].

IN the mean time, *Coſenza* having rebell'd, the Duke had recourſe to the Count of *Sicily* his Uncle, who immediately reduc'd it; and it was at this Time that *Roger*, as an Acknowledgment for the many Favours he had receiv'd from his Uncle, gave him the half of the City of *Palermo*, where the Count began to build a Caſtle, which is now call'd the *Royal Palace* [3]. Thus the one *Roger* reigning in *Sicily*, and the other in *Puglia*, in proceſs of Time theſe came to be two diſtinct and ſeparate Kingdoms, each of which was govern'd by its own Laws, Cuſtoms, and Officers.

COUNT *Roger*, who by the Death of his two Sons *Goffredus* and *Giordanus*, was very much afflicted, this Year 1093 had the Pleaſure to have another Son born to him by the Counteſs *Adelaida* his laſt Wiſe, whom he call'd *Simon*; which put him in a Condition to go more deliberately to *Calabria* to ſuppreſs a new Diſorder that had begun to break out in his Family.

DUKE *Roger*, his Nephew, had made an illuſtrious Alliance by marrying *Adala*, Niece of *Philip* I. King of *France*, and Daughter of *Robert* Marquis of *Flanders* [4]. He had by her two Sons, *William* and *Lewis*, who were to be his Succeſſors. But the Duke falling grievouſly ſick not long after in *Melphis*, a Rumour had paſs'd that he was dead; *Boemondus* who then liv'd in *Calabria*, thinking this a fit Opportunity, immediately takes Arms, and invades his Brother's Dominions; proteſting nevertheleſs, that he did it in Favour of the Duke's Sons, till they ſhould be of Age fit to govern. The Count of *Sicily*, who ſuſpected this Zeal, and was offended at his daring to proceed thus without his Conſent, went thither with a powerful Army, and was no ſooner got there, than *Boemondus* was oblig'd to retire. In the mean time the Duke being reſtor'd to perfect Health, contrary to all Expectation, *Boemondus* went preſently to *Melphis* to congratulate him, and to reſtore him all he had made himſelf Maſter of, juſtifying his Conduct as well as poſſibly he could.

BUT the Commotions did not end here; another much more dangerous was diſcover'd in *Amalphis*. Duke *Roger* truſting too much to the *Longobards*, out of the Regard he had for his Mother *Sigelgaita*, who was of that Nation, and Siſter to the laſt Prince of *Salerno*, had without any Scruple committed the Government of his fortified Places to the very *Longobards*, from whom his Father and himſelf had taken them; among the reſt he had given the Government of *Amalphis* to ſome chief Officers of the *Longobards*, who, reſolving to take Advantage of the Diſorders that had a little before happen'd in *Coſenza*; for the Duke and the Count his Uncle were employ'd in ſuppreſſing the Rebellion of the *Coſentines*; drove all the Duke's Partiſans out of *Amalphis*, openly revolted, and refus'd to receive himſelf. The Duke being highly provok'd at ſuch Treachery, in order to reduce the City, reſolv'd to gain his Brother *Boemondus* by kind Uſage, begging his Aſſiſtance, which he gave with all the Forces he could draw together from *Puglia* and *Calabria*; the Duke likewiſe invited *Roger* Count of *Sicily* to his Aſſiſtance; who this Year 1096 came with Twenty thouſand *Saracens*, and an infinite Number of other Nations, to lay Siege to *Amalphis* [5]. The Place was inveſted by theſe three Princes with all their Forces, and the Siege was ſo cloſe, that had it not been thwarted by a very odd Conjuncture, *Amalphis* had certainly ſurrender'd.

WHAT oblig'd them to raiſe the Siege, was a new Expedition that offer'd to *Boemondus* and his Soldiers, who remembring the Engagement they were under, in an inſtant left the Siege. This was the Publication of the firſt *Cruſade*, the Contrivance of which is owing to *Urban* II. as firſt Author of it [6]. *Urban* in the Year 1095, having aſſembled a Council in *France*, in the City of *Clermont*, excited all the Princes of *Europe* to undertake an Expedition to the Holy-Land; and ſo great was the Zeal of thoſe Princes, who were likewiſe animated by *Peter* the Hermit, that in making Preparation for ſo glorious an Undertaking, they put all *Europe* in Confuſion; but of all the Nations of *Europe*, the *Italians* and *French* manifeſted their

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[1] Pellegr. ad Lupum Prot. A. 1089.

[2] Romuald. Arc. Sal. apud Baron.

[3] Malat. lib. 4. cap. 17.

[4] Idem, lib. 4. cap. 19.

[5] Pellegr. ad Lup. A. 1096.

[6] Malater. lib. 4. cap. 2.

Zeal moſt to take the Croſs, and arm themſelves for this Expedition. The Great *Hugo*, Brother of *Philip* I. King of *France*, *Robert* Duke of *Normandy*, *Godfrey* of *Boulogne*, Duke of *Lorraine*, and the Counts of *Flanders* and *Thoulouſe*, took Arms. But of all our *Norman* Princes, *Boemondus*, with his Nephew *Tancred* the Son of Duke *Roger* and *Alberada* his firſt Wiſe, according to *Pirri* and *Summontes* (for *Ordericus Vitalis* [1], and the Abbot of *Noce* [2] make *Tancred* to be the Son of a Siſter of *Boemondus)* were the moſt forward. *Boemondus*, whether out of real Zeal, or Grief for his not being enough diſtinguiſh'd in *Italy*; or with a Deſign to go on in the Conqueſts which his Father and he had begun in the Eaſt, immediately left the Siege of *Amalphis*, put on a red Croſs, got ſome purple Mantles, and with great Ceremony cut them into ſmall Pieces, to provide his Soldiers with the like Croſſes. His Example, and the great Pains he was at in promoting this his Devotion, made a great Number of People flock to him and *Tancred*, in order to follow them in this Expedition. But eſpecially they were join'd by a great many *Puglians*, *Calabrians*, *Sicilians*, and thoſe of other Provinces of *Italy*, ſo that they ſoon made up a great Army, and they all took an Oath in the Field, together with himſelf, that they ſhould make no War againſt Chriſtians, before they ſhould have conquer'd the Country of the Infidels. Duke *Roger* ſeeing himſelf thus abandon'd before *Amalphis*, and that the new *Cruſade* had robb'd him of the Flower of his Troops, was oblig'd to raiſe the Siege, notwithſtanding it was ſo far advanc'd, which he pretended to do out of Zeal for the Chriſtian Religion, though ſwell'd with Indignation and Reſentment againſt *Boemondus*, who by no means could be perſuaded to give him any further Aſſiſtance. Count *Roger* ſeeing himſelf likewiſe deſerted by his Men, thinking it not proper to retard ſo ſpecious an Expedition, had Patience, and return'd to *Sicily* very much vex'd [3]. On the other hand, *Boemondus* and *Tancred* having put themſelves at the Head of their *Puglians* and *Calabrians*, and an infinite Number of other Nations, and embark'd at *Bari*, began their Voyage towards the Eaſt. Our incomparable *Torquatus*, by a Poetical Licence, makes *Tancred* Captain of Eight hundred Horſemen, which he ſuppoſes him to have brought with him out of *Campania Fœlix* near *Naples*; but at this Time this Province belong'd neither to *Boemondus* nor *Tancred*, ſo that he could not raiſe them there. *Campania Fœlix* at this Time was for the moſt Part ſubject to the Dukedom of *Naples*, and was govern'd by *Sergius* Duke and Conſul under the Emperor *Alexius Comnenus*. *Averſa*, a new City, was in Poſſeſſion of the *Normans*, who were of another Family, not of the Race of *Tancred* Count of *Hauteville*, of whom *Boemondus* and *Roger* were deſcended. And *Capua* had at this Time revolted from the *Norman* Princes; for tho' Prince *Giordanus*, who died in *Piperno* in the Year 1090, had left *Richard* his Son, an Infant, as Succeſſor in the Principality [4]; yet the *Capuan Longobards*, as ſoon as they were appriz'd of the Death of *Giordanus*, enter'd into a Conſpiracy againſt *Richard* and the Princeſs his Mother, and having taken Poſſeſſion of the Forts of the City, drove all the *Normans* out of it; ſo that *Richard* and his Mother were forc'd to go to *Averſa* for Shelter, where they remain'd till they were aſſiſted and reſtor'd to *Capua*, by the Duke of *Puglia*, and *Roger* Count of *Sicily*.

THIS famous Hero after he had rais'd the Siege of *Amalphis*, and return'd to *Sicily*, minded nothing but the firm Eſtabliſhment of his Dominions in his own Family by illuſtrious Alliances. The greateſt Princes of *Chriſtendom* courted his Friendſhip and Alliance. *Philip* I. King of *France*, in the Year 1094 had ſought his eldeſt Daughter, and the Year following the Second had been married to *Conrade* the Son of the Emperor *Henry* III. This Prince on account of the Jars betwixt *Henry* his Father and the Popes, had been perſuaded by them to deſert his Father; and he not only join'd the oppoſite Party, but carried Matters ſo far, that he did not ſcruple to take Arms againſt his Father; and being abetted by the Pope, he march'd to *Italy*, took Poſſeſſion of many Places that depended on the Empire, and withdrew them from their Allegiance. Pope *Urban*, and the Counteſs *Mathilda* finding no better way to ſupport him, procur'd a Marriage betwixt him and a Daughter of the Count of *Sicily*, who was able to defend him againſt the Power of *Henry* [5].

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[1] Orderic. Vital. lib. 9. hiſt. Norm. Tancredus Odonis Boni Marchiſii filius, & Comes de Roſſivolo cum ſuis fratribus.

[2] Ab. de Noce Chr. lib. 4. cap. 11.

[3] Malater. lib. 4. cap. 2. Dux in Apuliam ſecedit, Comes in Siciliam revertitur.

[4] Paul. Diac. lib. 4. cap. 10.

[5] Malater. loc. cit.

THE King of *Hungary* envying him on account of this Alliance, two Years after ſent Ambaſſadors to demand another Daughter in Marriage for his Son *Alemannus*. *Roger* accepted of the Match, and with great Pomp and Solemnity in the Year 1096 the Princeſs was conducted to her Husband. This extraordinary good Fortune of *Roger*'s Family, got him the Surname of *Great Count*, which he now began to aſſume among his other Titles.

AUGUSTINUS INVEGES, beſides theſe Reaſons, relates, that *Roger* was mov'd to call himſelf *Grand Count*, becauſe he had created his Son *Simon* Count of *Butera*; and the Uſe of Fiefs and Counties being already introduc'd into *Sicily*, and the Sons, Nephews, and the Count's Vaſſals being likewiſe adorn'd with theſe Titles; in order to diſtinguiſh himſelf from theſe, he began to ſubſcribe himſelf with this new Title, *Magnus Comes Calabriæ & Siciliæ*.

BUT what moſt of all made the Power of *Roger* the Great Count of *Sicily* conſpicuous, was the Expedition of *Capua*. *Richard* the Son of *Giordanus* having been expell'd *Capua*, had retir'd to *Averſa*, and not able of himſelf to recover *Capua*, begg'd his Aſſiſtance and Protection, promiſing him, as an Acknowledgment for ſuch important Aid, to become his Liege-man, and do him Homage for his Dominions [1].

AND *Malatera* adds [2], that beſides the Promiſe of doing him Homage, he had likewiſe offer'd him *Naples* as a Reward, which City was yet to be conquer'd. And *Inveges*, very much to the Purpoſe, obſerves, that it was not known how *Richard* came by this Right thus to diſpoſe of *Naples*, which at this Time was govern'd by its own Dukes in the Form of a Republick. The Count overjoy'd at theſe Offers, immediately aſſembled an Army, and march'd towards *Capua*, where the Duke of *Puglia* his Nephew, and *Richard* had already join'd to beſiege it: Before he began the Siege, he caus'd all the neighbouring *Campania* to be ravag'd; afterwards he inveſted the City, and threaten'd to ruin the Inhabitants if they did not ſurrender [3]. *Urban* II. having heard of the Danger the *Capuans* were in, came to the Camp where theſe Princes were, in order to make Peace, and prevent the Ruin of that City. Theſe Princes receiv'd him magnificently, and conſented to refer their Intereſts to him, provided the Rebels would do the ſame, but theſe would not agree to it. Nevertheleſs *Urban* ſtill thinking to bring them to reaſon, enter'd the City, but tho' they promis'd to comply, yet when it came to the Puſh, they abſolutely refus'd to ſurrender. The Pope, ſorry that he had ſtirr'd in their Behalf, return'd, and was indifferent whether they were ruin'd or not. Whereupon the Place was more cloſely beſieg'd, and at this Time God Almighty ſhew'd himſelf ſignally propitious to the Count of *Sicily*; for the Counteſs *Adelaide* his Spouſe, who had follow'd him in this Expedition, prov'd with Child. She was deliver'd of a Son in *Melito*, a City of *Calabria*, in the Month of *December* in the Year 1097, or as others relate, in *February* of the following Year: he was baptized by St. *Bruno* the Founder of the Order of the *Carthuſians*, with whom, becauſe of his great Sanctity, the Count was in ſtrict Friendſhip; and it was he, who firſt eſtabliſh'd that riſing Order in *Calabria*, of which he continu'd always to be the Protector.

THE Child was nam'd *Roger*, and by his famous Atchievements was the firſt King of *Sicily*. *Fazellus* tells us that this Hero was born in *Salerno*; and *Pirri*, by anticipating his Birth two Years, ſays that he was born in *Sicily* in the Year 1095. The ſecond Favour which Heaven beſtow'd on *Roger* by the Interceſſion of St. *Bruno*, was his being deliver'd from a Conſpiracy, which a *Greek*, nam'd *Sergius*, had hatch'd againſt him; for the Count having ſuppreſs'd this Conſpiracy by the Death of the Conſpirators, ſo terrified the Beſieg'd, that the Place was immediately ſurrender'd, and reſtor'd to Prince *Richard*; who, by the Advice of the Count treated them with great Clemency, inſomuch that he choſe to reſide in one of the Towers that was higher than the Citadel, into which he enter'd in Triumph; and being thus re-eſtabliſh'd in the Principality of *Capua*, and owing this important Conqueſt to the two *Roger*'s, in Token of his Gratitude, he did them all Honour, and as their Liegeman paid them Homage.

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[1] Malater. lib. 4. cap. 26. Homo Apuliæ Ducis factus fuerat.

[2] Loc. cit. ad A. 1097. c. 5. Vice recompenſationis Neapolim, quæ ſibi ſimiliter recalcitrabat, ſi prævalere poſſet, fiducialiter concedens.

[3] Petr. Diacon. lib. 4. cap. 10.

THESE two Princes having finiſh'd this Expedition, return'd together to *Salerno*, where they remain'd for ſome Time. The Duke of *Puglia* had a mind to make Choice of *Salerno* for his Royal Seat, before any other City in his *Italian* Dominions, as *Robert Guiſcard*, when he conquer'd it, had reſolv'd to make it a Metropolis City, in Imitation of Pope *John* XIII. who had made it ſuch with regard to the Eccleſiaſtical Polity, therefore he made his longeſt ſtay in *Salerno* [1], whoſe Example his Succeſſors afterwards follow'd. Here he entertain'd his Uncle with the Counteſs and their young Son, who ſucceeded him in his Dominions.

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[1] Gul. App. lib. 6.

CHAP. VIII.

Urban II. *makes Count* Roger *his Legate, whence the Monarchy of* Sicily *had its Riſe.*

URBAN II. came to *Salerno* to congratulate theſe Princes on the good Succeſs of the Expedition to *Capua*; and being willing to ſhew his Gratitude for the many Services they had perform'd to the Apoſtolick See, he made *Roger* his Legate in *Sicily*. This Year 1098, and at this Congreſs, that Bull was made, the like of which is not recorded to have been granted to any other Prince of *Chriſtendom*, by which *Sicily* boaſts of her Monarchy, and pretends, that the Succeſſors of Count *Roger the Great*, are Sovereigns in their Dominions, as well in Spiritual as Temporal Matters.

THERE was a Cuſtom introduc'd by the *Roman* Pontiffs of ſending their Apoſtolical Legates into diverſe Provinces of the Chriſtian World; and they were of different Sorts. Some of them who were moſt eminent, and to whom more ample and ſpecial Privileges were granted, were call'd *Legates a Latere*, becauſe they were choſen out of the Conſiſtory and College of Cardinals, who ſate at the Pope's Side; and therefore *Ivo Carnutenſis* in a Letter which he wrote to *Paſchal* II. [1], calls them *Laterales*. Others were Biſhops, or Deacons of the Church of *Rome*, and were ſent by the Popes as their Legates to Emperors or Kings, who had no other Charge, but to manage the Affairs of the Apoſtolick See, and to take care of its Intereſt at the Courts of thoſe Princes, and theſe by the Ancients were call'd *Apocriſiarii*, or *Reſponſales*. But afterwards there was another Sort of Legates introduc'd, who were call'd *Provinciales*. Theſe for the moſt Part were Biſhops or Archbiſhops, to whom as Legates of the Apoſtolick See, there was great Authority and Juriſdiction given over the Provinces where their Sees were ſeated, and various Privileges granted which they could make uſe of with regard to their Provincials; and the Legation was often given to the See, and not to the Perſon. Thus the Archbiſhop of *Arles* was Primate and Legate of the *Galliæ*, by Virtue of a moſt ancient Privilege granted to that See, and confirm'd afterwards by *Hormiſda*, and *Gregory* I. and the other *Roman* Pontiffs [2]. Thus likewiſe the Archbiſhop of *Canterbury* was Primate and Legate of all *England*, by a Privilege granted to *Theobald* Archbiſhop of that City, and his Succeſſors, by *Innocent* II.; ſo that in *England* they were call'd *Legati nati*, as *Polydore Virgil* witneſſeth [1], becauſe ſuch a Privilege was granted to the See, and not to the Perſon. In like manner the Biſhop of *Piſa*, and his Succeſſors, were declar'd Legates of the Holy See in the Iſland of *Corſica*, by *Gregory* VII.

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[1] Ivo, Epiſt. 109.

[2] Alteſ. rer. Aquit. lib. 4. cap. 5.

THESE Legantine Powers were given in ſome Provinces of *Chriſtendom* to the Perſons, and not to the Sees, by the Pope's appointing certain Perſons as Legates in different Places. Thus *Leo the Great*, appointed *Anaſtaſius* Biſhop of *Theſſalonica*, Vicar of the Apoſtolick See over the Eaſt and in the Regions of *Africa*. *Gelaſius* I. ſet *Acacius* over *Egypt*. *Hormiſda* appointed *Saluſtius* Biſhop of *Sevil* over *Bœtica*, and *Luſitania*; and the ſame Pope conſtituted *Remigius* of *Reims*, his Vicar over the *Galliæ*, without derogating from the Privilege of the Archbiſhop of *Arles*: The ſame *Hormiſda* choſe *John* a Biſhop, his Legate, for all *Spain*. *Vigilius* made the Biſhop of *Locrida* for *Illyricum*, as *Gregory* I. had alſo done. *Martin* I. appointed *John* Biſhop of *Philadelphia*, his Legate in the Eaſt againſt the *Monothelites*. And above all the other Countries, *France* had moſt of theſe Legates in the Times of *Charles Martel*, and *Charles the Bald*, and more in the Time we are now treating of, under *Gregory* VII. and *Urban* II. inſomuch that by the Frequency of theſe Legantine Powers, the Rights and Privileges of Legate and Primate, belonging to the Archbiſhop of *Arles*, were in a great meaſure extinct; and the Popes not only ſent thither Legates for taking care of all *Gallia*, but likewiſe ſent particular Legates to certain Provinces of it, ſuch as *Aquitania*, of which *Alteſerra* [2] gives us a great many.

LONG Experience hath ſhewn, that theſe Legates were an inſupportable Grievance and Damage to the Provinces to which they were ſent [3], for beſides that they leſſen'd the Authority and Juriſdiction of the Biſhops and Metropolitans, by drawing all Cauſes to themſelves, and frequently inquiring into, and taking Cogniſance of the Cauſes of the very Prelates, they by their Avarice and Pride, ſo oppreſs'd the Biſhops and the whole Eccleſiaſtical State, that the People, unable to bear them, had recourſe to their Kings for Redreſs. For which Canſe the Princes of *Europe* reſolv'd to receive none, but whom they thought fit. There was an Agreement made betwixt *Urban* II. and *William* King of *England*, by which it was ſtipulated, that no Legate ſhould be receiv'd into that Kingdom, but ſuch as pleas'd the King [4]. In *France*, they were ſo great a Grievance, that at laſt the Biſhops reſolv'd to ſupplicate the Pope, that he would be pleas'd to aboliſh them altogether for the Good of their Dioceſſes; and they actually obtain'd, that there ſhould be no more ſent, by which the Power of the Metropolitans and Primates of that Kingdom was reſtor'd, and Tranquillity eſtabliſh'd. The Emperor *Frederick*, by an Edict, order'd, that they ſhould not be received into *Germany* at any rate. In *Scotland*, there was a Law made in the Year 1188, which was approv'd of by the Popes *Clement* III. *Innocent* III. and *Honorius* III. prohibiting any Perſon whatever, to exerciſe the Legantine Power within that Kingdom, except *Scotſmen*; and we read of the like in *Spain*.

IN the Iſland of *Sicily*, the Popes were likewiſe wont to appoint theſe Legates, and we read [5], that Pope *Gregory* I. made *Maximinianus* Biſhop of *Syracuſe*, Legate of *Sicily*, by granting that Power to his Perſon, and not to the See [6]. Neither were theſe our Provinces exempted, tho' ſo near to *Rome*; for we read in the Chronicle of *Leo Oſtienſis* [7], that *Nicholas* II. after having made *Deſiderius*, the famous Abbot of *Caſſino*, a Cardinal, he likewiſe made him his Legate in all *Campania*, the *Principato*, *Puglia* and *Calabria*, though his Authority was reſtricted with regard to all the Monaſteries and Monks of theſe Provinces, as is clear from the Words of the Privilege, recorded by the Abbot of *Noce*.

BUT *Urban* II. being deſirous at this time to renew the Cuſtom of making a Legate in *Sicily*, as his Predeceſſors had formerly done, nam'd the Biſhop of *Traina*.

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[1] Polyd. lib. 3. rer. Anglic.

[2] Rer. Aquit. lib. 4. cap. 5.

[3] Jo. Saliſburienſis lib. 15. cap. 16. & lib. 6. cap. 24. Sed nec Legati ſedis Apoſtolicæ manus ſuas excutiunt ab omni munere, quin interdum in Provinciis ita debaccantur ac Sathan ad Eccleſiam flagellandam a facie Domini. Provinciaram diripiunt ſpolia ac ſi Theſauros Cræſi ſtudeant comparare.

[4] V. Hugo de Flavigni, & Eadmer. lib. 5. Hiſt.

[5] Gregor. lib. 2. Judit. 10. Epiſt. 7.

[6] Inveges lib. 3. Proinde ſupra cunctas Eccleſias Siciliæ te vice ſedis Apoſtolicæ miniſtrare decernimus, quas non loco tribuimus, ſed Perſonæ.

[7] Oſtienſ. lib. 3. cap. 13.

The *Sicilians* took this in ill part, and Count *Roger* was much more offended at it, who having greatly diſtinguiſh'd himſelf by the many ſignal Services he had done the Holy See, in having expell'd the Infidel *Saracens* out of that Iſland, withdrawn all the Churches from the See of *Conſtantinople*, and reſtor'd them to that of *Rome*, and aſſiſted the Church in her greateſt Afflictions, thought he did not deſerve ſuch a Return. In a Congreſs held in *Salerno*, he complain'd of it to the Pope, and gave him to underſtand very plainly, how much he was diſſatisfied, and that he was reſolv'd not to bear it.

URBAN, who was ſenſible of the great Obligations he lay under to this Prince, from whom he expected greater Advantage to the Apoſtolick See, looking upon him to be his greateſt Support againſt the Emperor of the Weſt, did not ſlip ſo fair an Opportunity of obliging him. He not only gave him all Satisfaction as to this Point, by annulling the Legantine Power, which he had given the Biſhop of *Traina*; but likewiſe conferr'd on the Great Count himſelf, all that Authority, which he had given to that Biſhop as his Legate, by creating him, and his lawful Heirs and Succeſſors, *Legati Nati* of the Apoſtolick See in that Iſland, promiſing never to appoint another againſt his Will, and that whatever he had to do by a Legate, ſhould be perform'd by him, and his Succeſſors, a Thing without any Precedent; and immediately the Privilege was drawn up in *Salerno* by *John*, Deacon of the Church of *Rome*, dated in the Month of *July*, the Seventh of the Indiction, and Eleventh Year of the Pontificate of Pope *Urban* II.

MALATERRA, a grave Writer of theſe Times, relates this Event, and gives us *Urban*'s Bull, and here ends the four Books of his *Latin* Hiſtory, of whom *Odericus Vitalis*[1], an antient Writer of *Norman* Affairs, writes thus; *De quorum (id eſt Ducis Roberti Guiſcardi & Comitis Rogerii) probis actibus, & Strenuis eventibus Gotifredus Monachus cognomento Malaterra, hortatu Rogerii Comitis Siciliæ elegantem libellum nuper edidit.*

THIS ſo notable a Writ, deſerv'd to have been related at full Length; but ſeeing it regards the Polity of that Kingdom, and not of ours, we have contented ourſelves with having given a ſuccinct Account of what it contains, the rather, becauſe there are not wanting Writers[2], who give it us intire, and it may be ſeen in the very Annals of *Baronius*.

THIS is the Foundation of the renown'd Kingdom of *Sicily*, by which the Succeſſors of *Roger*, and eſpecially the Kings of *Arragon*, to whom that Kingdom was ſubject for many Years, have kept Poſſeſſion of ſo noble and eminent a Prerogative, in ſpite of all the Efforts and Diſputes that have happen'd in proceſs of Time concerning that Point. It was not thought an improper or ſtrange Thing, to grant Legantine Powers to Princes, ſeeing the Popes themſelves deem'd their Perſons Sacred, becauſe they were anointed with Holy Oyl, and reputed not ſimple Laicks; but alſo Sharers in the Prieſthood; and if it was not thought incompatible with their Characters, to make them Canons of St. *Peter*, by admitting them into the Quire with Holy Veſtments, and making them Partners in the other ſacred Functions and Ceremonies; it ought not to ſeem ſtrange, that they were veſted with Prerogatives relating to Eccleſiaſtical Juriſdiction, and not to Orders.

ACCORDING to the Maxims of the Canon Law, and the Practice of the Court of *Rome*, we find in many Inſtances, that the Power of Juriſdiction is diſtinct from that of Orders; that this laſt is annex'd to the Prieſtly Office, and cannot be communicated to any who have not that Character. The Power of Ordination cannot be given to a Prieſt, nor that of Conſecration or Abſolution to a Deacon, becauſe the Power of Ordination is inſeparable from the epiſcopal Character, and that of Conſecration, and Abſolution from the Presbyterial; but as for the Power of Juriſdiction, it may be conferr'd on Perſons who are not in Orders, and exercis'd over thoſe who are in higher Orders than they to whom ſuch Juriſdiction is granted. The Popes have not ſcrupled to practiſe this on many Occaſions, by appointing ſimple Deacons to be their Legates and Judges in Matters of Faith, and Cauſes of Biſhops; and likewiſe to repreſent them in Councils, and by giving Power to Abbots and Monks to exerciſe epiſcopal Juriſdiction; and, what is more ſurpriſing, Abbeſſes ſend dimiſſorial Letters, have their Archdeacons, and other Officers, and exerciſe whatever belongs to epiſcopal Juriſdiction; and in this our Kingdom we ſee at this very Time, that the Abbeſs of the Monaſtery of *Converſano* exerciſeth Juriſdiction over her Prieſts, and hath the Privilege of wearing the Mitre and Croſier, as the Biſhops do. And *Charles* II. of *Anjou*, had his Place in the Quire of the Church of St. *Nicholas* in *Bari*, above all the other Canons, and was reckon'd one of their Body, and had Juriſdiction over all the Prieſts, as we ſhall relate in its Place.

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[1] Oder. vit. Hiſt. Norm. lib. 3. fol. 483.

[2] Fazzel. Rer. Sicul. Inveges lib. 3.

'TIS not to our Purpoſe to enter into thoſe Diſputes that have ariſen ſince, concerning this Point, nor into what hath been written by the *Spaniards*, and many other Authors, as Matters foreign to our Deſign. But I cannot forbear to ſay, that Cardinal *Baronius*, with much ſtraining and little Argument, has the Aſſurance to impugn it in later Times, after that Kingdom had been in Poſſeſſion of it for ſo many Ages. In the beginning of the Year 1605, he caus'd to be printed his XIth Tome of the Eccleſiaſtical Annals, and when he comes to relate this Fact, he inſerts in his Hiſtory, a very long Diſcourſe againſt the Monarchy of *Sicily*, wherein with ſtrain'd, and invidious Arguments, he leaves no Stone unturn'd, in order to overthrow it. But he is unpardonable, for having ſtuff'd his Diſcourſe with ſo much Obloquy and Bitterneſs againſt many Kings of *Arragon* of glorious Memory, and eſpecially *Ferdinand the Catholick*, counting them Tyrants, and who, under this Name of Monarchy, had reſolv'd to introduce Tyranny into that Kingdom, which Book being brought to *Naples* and *Milan*, was ſuppreſs'd by the King's Miniſters, and forbid to be ſold, or kept, out of reſpect to *Philip* III. then reigning, whoſe Progenitors had been ſo unworthily treated by that Cardinal.

BUT *Baronius* reſented this Prohibition of his Book ſo much, that being appriz'd of it, when, by the Death of *Clement* VIII. the See had become vacant, he immediately caus'd the College of Cardinals to be conven'd, and got them to make an Invective againſt thoſe Miniſters, and not content to have thus offended that Prince, would touch him in another no leſs tender Point, with reſpect to his Royal Juriſdiction; for in that Invective, thoſe Miniſters are plainly found fault with, as if by prohibiting his Book, they had incroach'd upon the Eccleſiaſtical Authority, as if it had not been lawful to Princes, for the Quiet of their Dominions, to prohibit ſuch Writings. And after *Paul* V. had been elected Pope, on the 13th of *June* of the ſame Year, he caus'd a long Letter to be written to King *Philip*, full of heavy Complaints, that in Contempt of Eccleſiaſtical Authority, the King's Miniſters in *Italy* had ſuppreſs'd his Book, which was a Privilege that ſolely belong'd to the Pope. Nevertheleſs, the Wiſdom of that King was ſuch, as to judge it better to anſwer with Facts, and allow the Prohibition publiſh'd by his Miniſters to be in Force.

BUT the Cardinal could not forbear to inſert in his XIIth Tome, which he caus'd to be printed in the Year 1607. a Diſcourſe very little to the Purpoſe on the ſame Subject, inveighing with much Bitterneſs and Malice againſt Princes that took upon them to prohibit Books, not ſcrupling to ſay likewiſe, that they did it becauſe the Books found fault with their Injuſtice. The Council of *Spain*, with their wonted Slowneſs and Irreſolution, proceeded in this Affair leiſurely; and were as little mov'd at this third Offence; but ſuffer'd other Three Years to go on, and in the Year 1610, the King made an Edict, condemning and prohibiting that Book in ſo ſevere a Manner, that it ſtruck at *Baronius* as ſmartly, as he had ſtruck at the Kings Progenitors. And in order to give it more Force and Credit, the Edict was publiſh'd in *Sicily*, with the Decree and Subſcription of Cardinal *Doria*, and diſpers'd Abroad in the World in Print. The Edict was ſent to Count *Lemos*, at that Time Vice-Roy of *Naples*, who, on the 28th of *February* of the following Year, caus'd the Edict by which the Book was condemn'd, to be publiſh'd with great Solemnity. The Court of *Rome* was as much ſurpriz'd at this Edict, as at the Execution of it by the Cardinal, and the Proclamation with Sound of Trumpet in *Naples*. Nevertheleſs, they never minded that in *Spain*, and the Edict is in Force to this Day.

THIS Diſpute was renewed very lately, in a much more violent Manner; for Pope *Clement* XI. ſeeing the Kingdom of *Sicily* fallen into the Hands of the Duke of *Savoy*, thought it a fit Opportunity to take Advantage of the Weakneſs of that Prince; and carried the Matter to ſuch Extremity, that in the Year 1715, he did not ſtick to publiſh a Bull, by which he aboliſh'd the Monarchy, and by another, eſtabliſh'd a new Eccleſiaſtical Hierarchy in that Kingdom; but all theſe Efforts came to nothing, for the Bulls took no Effect, neither was there any Change or

Novelty introduc'd into that Iſland; and much leſs when afterwards that Kingdom return'd to the moſt Auguſt *Auſtrian* Family.

ON this new Occaſion, the celebrated Divine of *Paris*, *Lewis Ellies Dupin*, wrote in Defence of that Monarchy, wherein he not only ſhews the Inconſiſtency of what *Baronius* writes againſt it, but alſo that of the Pope's Bull. This Book was publiſh'd in the Year 1716, wherein he gives an exact Account of the Origine and Progreſs of this Diſpute, and the Iſſue of this Quarrel, with ſo much Exactneſs and Learning, that I muſt give the Reader an account of what he has wrote on this Subject.

URBAN's Bull was directed to Count *Roger*, and his Succeſſors, and comprehended only the Dominions which he poſſeſs'd at that Time, to wit, *Sicily*, and ſome Places he had in *Calabria*, whence he took the Title of *M. Comes Calabriæ, & Siciliæ*.

BUT Duke *Roger* had done as ſignal Service to the Apoſtolick See as the Count, ſo that it behov'd *Urban* to beſtow his Favours on the Duke, who was preſent, whence we ought to believe, that at this Time, that Privilege, of which the ancient Canonical Gloſs, and many of the moſt ancient Writers make mention, concerning the Collation of the Benefices of the Kingdom was granted.

THERE were frequent Councils conven'd at this Time, in order to deprive Secular Princes of the Power of Inveſtiture, and at laſt in the *Roman* Council, celebrated by *Urban* in the Year 1099, a little before he died, all Abbots, Prelates and other Eccleſiaſticks, were forbidden, under terrible Anathemas, to receive Benefices from Laick Hands. Notwithſtanding which, the Princes ſtill pretended, that they ought not to be reckon'd purely Laicks, nor could they be depriv'd of thoſe Prerogatives, of which they had been for a long Time in Poſſeſſion. That it was very reaſonable, ſeeing they had founded and endow'd Churches out of their Patrimonies, they ſhould have the Inveſtiture of them; that as formerly the People had a Share in the Election of the Miniſters of the Church, it ought not to ſeem ſtrange, if Princes, to whom all Power was transferr'd, could do it of themſelves [1]. That by ſo doing, they conferr'd no ſpiritual Power, their Grant being confin'd to the Temporality, though they follow'd the common Cuſtom of uſing the Ring and Staff, when they granted Inveſtitures; which our Dukes of *Puglia*, with more Reaſon pretended to, who had erected many Churches in theſe Provinces from the Foundation, and out of Love for the Chriſtian Worſhip, had endow'd them with great Riches. And beſides, they had vanquiſh'd the Infidel *Saracens*, and reſtor'd all the Churches to the See of *Rome*, which formerly had been uſurp'd by the Patriarch of *Conſtantinople*.

THE Popes, to avoid having any Diſpute about this Point, with thoſe Princes who were their Friends and Well-wiſhers, whom they had a mind to gratify, without doing themſelves Prejudice, were often wont to grant them, by way of Privilege, what in Juſtice they claim'd; and the Princes, minding only the preſent, and looking no further, accepted it. On the other hand, the Popes minded hereby to eſtabliſh their Right, and according as Occaſion ſhould offer, to diſpute or revoke theſe Privileges. The ancient Kings of *Sicily* gave Inveſtiture of Eccleſiaſtical Benefices in all the Churches of the Kingdom of *Puglia*, as the antient Canonical Gloſs [2] clearly witneſſeth, which tho' it obſerves, that the Duke of *Puglia* gave Inveſtiture of Benefices contrary to the Canon eſtabliſh'd in many Councils, ſays, they did it by virtue of the Pope's Privilege, which he could beſtow on Laicks; and all our moſt antient Writers likewiſe, ſuch as *Marinus Caramanicus*, *Andrea d'Iſernia*, and others [3], vouch the ſame. And *Frederick* II. defended himſelf by this Privilege, when he was blam'd for giving Inveſtiture of the Churches of theſe Provinces at his Pleaſure [4]; and complain'd that the Popes, notwithſtanding this Privilege, attempted to diminiſh the Right which the Kings of *Sicily* had of electing Prelates, which could not be leſſen'd by what *Innocent* III. had done, when *Conſtantia* govern'd, during his Infancy. But we ſhall have a more fit Opportunity to ſpeak of this, when we come to treat of the Eccleſiaſtical Polity.

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[1] V. Duaren. de Sacr. Eccl. Min.

[2] Gloſ. cap. placuit in prin. & in cap. nemini Regum. 16. qu. r.

[3] Andr. de Iſernia in proem. Conſtit. Regn.

[4] Nauclerus generat. 41.

SECT.

SECT. I.

Urban *holds a Council in* Bari; *his Death, and ſoon after that of Count* Roger, *and other Princes.*

IN the mean time *Urban*, after a Conference with theſe Princes in *Salerno*, went to *Bari*, where he had ſummon'd a Council of *Greek* and *Latin* Fathers, in order to determine the Point concerning the Proceſſion of the Holy Ghoſt, from the Father and the Son, in which the *Greeks* did not agree with the *Latin* Church [1]. There were preſent in this Council 185 Biſhops; and St. *Anſelm* Archbiſhop of *Canterbury* being then in *Italy* about the Affairs of his Church, likewiſe aſſiſted in it. There were great Debates between the *Greek* and *Latin* Fathers about this Point; but St. *Anſelm* convinc'd the *Greeks*, and it was determin'd according to the Belief of the *Latin* Church: Notwithſtanding which the Schiſm did not end, but being maintain'd with great Heat by both Parties, the Diviſion continu'd for a long Time between theſe two Churches, that it was not in the Power of Man to re-unite them.

URBAN having put an End to this Council went to *Rome*, and a few Months after the *Roman* Council lately mention'd, died there the ſame Year 1099. This Pope deſerv'd to be reckon'd amongſt the greateſt that ever the Church of *Rome* had; he having held this See little leſs than twelve Years, did many noble Actions, and made himſelf famous over all the World by the Expedition to the Holy Land, of which he was the firſt Promoter. He of all the Popes had our *Norman* Princes in greateſt Eſteem, neither had he any Cauſe to complain of them, ſo that he lov'd them as a Father does his Children, and as much as in him lay ſtood up for their Intereſt. By his Death the Abbot *Rainerius* of *Tuſcany* was elected Pope, who took the Name of *Paſchal* II. and the ſame Year *Jeruſalem* was taken, and the renown'd *Godfrey* of *Boulogne* elected King of it, and after his Death his Brother *Baldwin* ſucceeded him; in the mean time *Boemondus* having taken *Antioch*, made himſelf Prince thereof, which he tranſmitted to his Poſterity.

THE Death of *Urban* was ſoon follow'd by that of the Great Count *Roger*, he being much advanc'd in Years, made the City of *Melito* in *Calabria* famous by his Death, which fell out in that City in the Month of *July*, in the Year 1101 [2]. He was much lamented by his Subjects, and a Monument was erected to him in the great Church of that City, which he had built, where his Bones are preſerv'd to this Day. He liv'd Seventy Years, and reign'd Sixteen after the Death of his Brother *Guiſcard*. He had many Wives, by whom he had had many Children, but only three Sons ſurviv'd him, which he had by his laſt Wife *Adelaſia*, who with *Robert* of *Burgundy*, her Son-in-law, immediately took upon her the Government of the Dominions after her Husband's Death [3]. Theſe three Sons were *Simon*, who dying ſoon after his Father, had not the good Fortune to ſucceed him in the County of *Sicily* [4]. *Godfrey*, ſurnam'd of *Raguſa*, of whom Hiſtory makes no mention: Some [5] believe him to be the Son of the firſt Wife *Erimberga*, and both he and his Brother *Giordanus* died before their Father. *Roger* II. was he to whom he left his Dominions in ſo flouriſhing and happy a Condition, who ſhortly after poſſeſs'd them with the Title of King, and whom Fortune ſo much favour'd as to unite the two Crowns of *Puglia* and *Sicily*, and put them both on his Head, and who likewiſe with Royal Title govern'd theſe our Provinces, as ſhall ſhortly be related. Count *Roger* alſo left two Daughters, *Mathilda* and *Emma*; *Mathilda* was married to *Rainulphus* Count of *Avellino*. For which Cauſe, during the Jars which afterwards fell out between *Roger*, the Emperor *Lothaire* II. and Pope *Innocent* II. *Rainulphus* was made Duke of *Puglia*, in Oppoſition to *Roger* his Brother-in-law by *Innocent* in the

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[1] V. Pellegr. ad Lup. A. 1099.

[2] Lup. Protoſp. A. 1101. obiit Rogerius Comes Siciliæ Menſe Julii.

[3] Malater. lib. 4. cap. 19. Romuald. Salern.

[4] Aleſſ. Teleſ. lib. 1. cap. 2. & 3.

[5] Malater. lib. 3. cap. 10, 11, & 36. & lib. 4. cap. 14. & 18.

Year 1137. It was this *Mathilda* that perſuaded *Alexander* Abbot of *Teleſe* to write the Hiſtory of her Brother *Roger*, which he declares in the firſt Book of it. *Emma* the other Daughter, was married to *Rodulphus Maccabeus*, Count of *Monteſcaglioſo* [1]; theſe Princes in thoſe Days did not ſcruple to marry their Daughters or Siſters to their Barons, who for the moſt part were of the illuſtrious *Norman* or *Longobard* Blood, and were Maſters of large Territories and rich Lordſhips. Thoſe who make *Conſtantia* the Wife of the Emperor *Henry* to be the Daughter of this *Roger*, are greatly miſtaken; ſhe was Grandchild, and not Daughter of the Great Count *Roger*, being the Daughter of King *Roger* his Son, as ſhall be related.

THE Beginning of this twelfth Century, where we now are, was moſt lamentable, not only for the Death of the Great Count *Roger*, but of many other Princes that follow'd. Soon after, in the Month of *January* in the Year 1106, *Richard* II. Prince of *Capua* died, who leaving no Iſſue, *Robert* his Brother ſucceeded him in the Principality, and held it till the Year 1120, in which he died [2]. In the Year 1016, in the Month of *Auguſt*, the Emperor *Henry* III. likewiſe died, to whom *Henry* IV. his Son ſucceeded, who being as great an Enemy to the Popes as his Father had been, dealt more harſhly by *Paſchal* II. and his Succeſſors, than his Father had done by *Gregory* VII. He having a Mind more vigorouſly to maintain the Rights of Inveſtiture, threaten'd to march into *Italy* with a powerful Army againſt *Paſchal*. This Pope, to prevent ſo great Danger, came to *Capua* to ſollicit Prince *Robert* and Duke *Roger* to aſſiſt him againſt *Henry*; but *Henry* with a mighty Army being come into *Italy*, and arriv'd at *Rome*, whither the Pope was return'd, and with the Clergy and People of *Rome* had gone to meet him, caus'd the Pope and all his Company to be carried Priſoners to his Quarters, where he extorted the Rights of Inveſtiture by Force, and beſides oblig'd him to crown him Emperor with the wonted Rites and Ceremonies [3]. But as ſoon as *Henry* had left *Italy*, *Paſchal*, in a Council held in the *Lateran*, annull'd and reſcinded all theſe Acts, and had beforehand ſollicited the Duke of *Calabria*, the Prince of *Capua*, with other *Normans*, and even *Boemondus*, to join their Forces to aſſiſt the Church of *Rome* againſt the Perſecution, which, he ſaid, ſhe ſuffer'd by *Henry*.

BUT the Death of theſe two Princes *Boemondus* and *Roger*, which happen'd on the Back of one another defeated all his Deſigns. *Boemondus* died this Year 1110 in *Antioch*, and his Body being brought to *Italy*, was buried in the Church of St. *Sabinus* in *Canoſa*. He left a Son likewiſe nam'd *Boemondus*, who ſucceeded him in the Principality of *Antioch*, and his other Dominions. He alſo left a Daughter, and recommended them both to *Tancred* his Nephew.

BUT the Death of the renown'd Duke *Roger* [4] was yet more deplorable to theſe our Provinces, which fell out in the Month of *February* of the Year 1111 in *Salerno*. He was much lamented, and buried with great Pomp in the great Church of *Salerno*, which his Father Duke *Guiſcard* had built: He left no other Iſſue-Male but *William*, by the Dutcheſs *Ala* his ſecond Wife, who ſucceeded him in the Dukedom of *Puglia*, and his other Dominions.

DUKE *William* continu'd the ſame Friendſhip and Correſpondence with the Pope, that his Father had done, neither did he fail to aſſiſt him in the Quarrels with *Henry*, which were carried on with greater Heat than ever. Theſe Quarrels were become ſo imbitter'd, at this Time, that the Emperor *Alexius Comnenus* thinking to take Advantage of them, wrote to *Paſchal* II. that if he would acknowledge him for Emperor of the Weſt, he would ſend him powerful Aſſiſtance againſt *Henry* [5]. And in the mean while *William* having put his Dominions in a better Form, did not fail to require the Confirmation of the Inveſtiture of the Dukedoms of *Puglia* and *Calabria*, as his Predeceſſors had receiv'd it. Neither was *Paſchal* ſlack in granting it, which he did in the Year 1114, while he was celebrating a Council in *Cepperano*, whither *William* went to receive it [6]. But while this Pope was altogether bent on cruſhing the Power of *Henry*, being oppreſs'd with weighty and troubleſome Cares, he fell ſick, and on the 12th of *January* this Year 1118 ended his Days [7].

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[1] Pel. in Stem.

[2] Idem.

[3] Idem, in Caſtigat. ad Anonym. Caſſin.

[4] Idem, in Stem.

[5] P. Diac. lib. 4. cap. 46.

[6] Idem, lib. 4. cap. 49. Inveſtivit de Ducatu Apuliæ & Calabriæ.

[7] Idem, lib. 4. cap. 64.

ALEXIUS Emperor of the Eaſt likewiſe died in the Month of *Auguſt* the ſame Year, to whom *Joannes Porphyrogenitus* his Son ſucceeded in the Empire. We ſhall be ſoon freed from the Trouble of taking notice of the Emperors of the Eaſt; for having loſt all they poſſeſs'd in theſe our Provinces, with little Hopes of ever recovering it, they had no more occaſion to mind or concern themſelves in the Affairs of theſe Countries. They had nothing left but the Shadow of Sovereignty over the ſmall Dukedom of *Naples*, which alſo will ſoon be ſubject to the renown'd *Roger* I. King of *Sicily* and *Puglia*. This Dukedom was as yet govern'd by its Dukes and Conſuls in the Form of a Republick, and at this Time *John* was Duke, who dying not long after, while *Porphyrogenitus* reign'd in the Eaſt, was ſucceeded by *Sergius* the laſt Duke of *Naples*. For *Naples* being afterwards ſubjected by *Roger*, tho' he did not alter the Form of its Government, nevertheleſs he made the Dukes as he thought fit, which Character he beſtow'd on *Anfuſus* one of his own Sons, as ſhall be related in a more proper Place.

CHAP. IX.

Quarrels between the Emperor Henry IV. *and Pope* Gelaſius II. *Inveſtitures given by this Pope to our* Norman *Princes; and a Schiſm between* Calliſtus II. *and* Gregory VIII.

IN the mean time, after the Death of *Paſchal*, the Clergy and People of *Rome* elected *Joannes Gaetanus*, a Monk of *Caſſino*, his Succeſſor, who took the Name of *Gelaſius* II.[1]. As ſoon as the Emperor *Henry* heard of the Election, he march'd into *Italy*; mean while he ſent Ambaſſadors to *Gelaſius*, with a Meſſage, that if he was diſpos'd to grant him what *Paſchal* had done before, concerning the Inveſtitures, he was ready to acknowledge him for Pope, otherwiſe he would chuſe another. But *Gelaſius* being obſtinate, and ſeeing that the Emperor was advancing towards *Rome* with a ſtrong Army, left this City, and accompanied with many Biſhops and Cardinals, the Prefect of *Rome*, and many *Roman* Nobles, went to *Gaeta*, the Place of his Birth; being as yet but Deacon, he was there ordain'd Prieſt, and by theſe Biſhops and Cardinals that he had with him, and by the Archbiſhops of *Capua*, *Benevento*, *Salerno*, and *Naples*, in the Preſence of many Princes and Abbots, he was conſecrated Pope.

OUR *Norman* Princes, and eſpecially *William* Duke of *Puglia*, *Robert* Prince of *Capua*, *Richard* of *Aquila*, and many other Barons of theſe Provinces, went all to *Gaeta*, and offer'd him their Aſſiſtance[2]. *William* and the Prince of *Capua* took the Oath of Fealty as Vaſſals of the Apoſtolick See, and got Confirmation of the Inveſtitures in the ſame Manner their Predeceſſors had receiv'd them from other Popes. And 'tis to be obſerv'd, that the Princes of *Capua* paid Homage to the Pope in theſe Times, tho' they were Vaſſals to the Duke of *Puglia*.

BUT we muſt likewiſe obſerve, that *William*, not content with having had Inveſtiture from *Paſchal*, would alſo have it from *Gelaſius*, from whom he could obtain no other but a Confirmation, ſtill reſtricted to the Dukedoms of *Puglia* and

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[1] P. Diac. lib. 4. cap. 64.

[2] Idem.

Calabria, the Pope carefully avoiding to extend it to the Principalities of *Salerno* and *Amalphis*, and all thoſe other Dominions that had been ſubjected by the Dukes of *Puglia*. Thus we read it in the Copy of the Inveſtiture, related by the Abbot of *Noce* [1], which *Gelaſius* gave to *William*: *Quemadmodum Gregorius Papa tradidit illam Roberto Guiſcardo Avo tuo; & ſicut Urbanus Papa eam Rogerio Patri tuo prius, & poſtea tibi tradidit; ſic & ego trado tibi eandem terram cum honore Ducatus per illud idem donum, & conſenſum.* But the Error that we find in this Copy, and the want of the Name, *Paſchalis*, after the Word *poſtea*, deſerve to be taken Notice of; for *William* never receiv'd Inveſtiture from *Urban*, who died before his Father *Roger*, and *William* ſucceeded his Father in the Pontificate of *Paſchal*, from whom he receiv'd it, and not from *Urban*, as *Petrus Diaconus* relates.

IN the mean time the Quarrels between the Pope and the Emperor became more irreconcilable; as ſoon as *Henry* underſtood that *Gelaſius* was gone from *Rome*, he made *Mauritius* Archbiſhop of *Prague* to be elected Pope, who call'd himſelf *Gregory* VIII. On the other hand, *Gelaſius*, as he came to *Capua*, excommunicated the Emperor, the Antipope, and all their Accomplices; and got *Robert* Prince of *Capua* to aſſemble his Troops in order to oppoſe *Henry*, and conduct him back to *Rome*. *Robert* having gather'd together a conſiderable Army, marches towards the Monaſtery of *Caſſino*, with a Deſign to go from thence to *Rome* with the Pope, as he had promiſ'd him; but hearing that the Emperor with a ſuperior Force was not far off, he would not leave *Caſſino*, where having receiv'd *Henry*'s Ambaſſadors, who adviſ'd him to retire, he gave over the Expedition, and return'd to *Capua*. So that *Gelaſius*, after various Turns of Fortune, being abandon'd by the *Normans*, and unable to reſiſt ſuch a ſuperior Force, reſolv'd, with ſome Biſhops and Cardinals, to go to *France*; and being arriv'd at the Monaſtery of *Clugny*, at laſt, wearied with ſo many carking Cares, and the Incommodities he had ſuffer'd in ſo troubleſome a Journey, fell ſick, and died there the 29th of *January* in the Year 1119, after having held that See, with ſo many Difficulties and Sufferings, only a Year and five Days.

THE Cardinals being depriv'd of ſo great a Pope, and not in a Condition to oppoſe *Gregory*, if they did not immediately provide a Succeſſor, in that very Monaſtery elected *Guido* Cardinal Archbiſhop of *Vienne*, of Royal Race, being the Son of the Count of *Burgundy*, and near of Kin to the Kings of *France*, who took the Name of *Calliſtus* II. and went preſently to *Rome*, where, with great Marks of Eſteem, he was receiv'd by the Clergy, the Senate, and People of *Rome*. The Antipope *Gregory* and his Adherents left *Rome*, and fortified themſelves in *Sutrio*, a Caſtle of great Strength by reaſon of its Situation.

IN the mean time *Calliſtus*, in order to eradicate this Schiſm, thought he had no other Remedy but to have recourſe to the *Norman* Princes for Aſſiſtance, therefore he came to *Benevento*, where he was viſited by Duke *William*, *Robert*, and all the Barons of the Neighbourhood, who all offer'd their Troops to lay cloſe Siege to *Sutrio*. Soon after this Caſtle was ſo cloſely beſieg'd, that it was forc'd to ſurrender: *Mauritius* thus falling into the Hands of Pope *Calliſtus*, he confin'd him cloſe Priſoner in a ſtrong Fort. Thus ended this Schiſm, and the Church began to enjoy ſome Peace.

BUT in the Year 1120, the Death of *Robert* Prince of *Capua*, from whom *Calliſtus* had receiv'd ſignal Service, put a Damp upon this Peace. This Prince left only one Son nam'd *Richard* III. who ſucceeded him in the Principality, and govern'd it a few Days only; for he had ſcarcely been conſecrated according to the Cuſtom of the *Norman* Princes of *Capua*, who uſ'd to be anointed with Holy Oyl by the Hands of the Archbiſhop, when he ended his Days in *Capua*, and leaving no Iſſue, he was ſucceeded by *Giordanus* II. his Uncle, Brother of his Father *Robert* [2].

GIORDANUS govern'd the Principality of *Capua* ſeven Years without Diſturbance, to the Year 1127 in which he died. His Wife *Gaitelgrima* was Daughter of *Sergius* Lord of *Sorrento*, ſhe had been married to him ever ſince the Year 1111, and had brought him *Nocera*, and many Places in the Neighbourhood ſubject to it, as her Portion. By this Wife he had *Robert* II. who ſucceeded him, and was the laſt Prince of *Capua* of the Race of *Aſcettilinus*; for being expell'd his Principality by *Roger* I. King of *Sicily*, he had the Miſfortune to ſee his Family loſe that

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[1] Ad Chronic. Caſſ. lib. 4. cap. 64.

[2] Pell. in Caſtigat. ad Anon. Caſſ. A. 1119.

Grandeur, which his Foreſathers with ſo much Prudence and Valour had maintain'd in it, as ſhall be related when we come to the Reign of *Roger*.

IN the mean time Pope *Calliſtus*, having in ſome meaſure quieted the Diſcords, apply'd himſelf to put the Affairs of his See into the beſt Order he could; and above all, he endeavour'd to keep up the ſame Correſpondence and Friendſhip with *William* Duke of *Puglia*, that his Predeceſſor had done. *William* ſhew'd the ſame Inclinations, for he deſir'd to have the Inveſtiture of the Dukedoms of *Puglia* and *Calabria* from *Calliſtus*, as his Predeceſſors had had it from *Gelaſius* and *Paſchal*, by making himſelf a Vaſſal of the Apoſtolick See, and receiving the Inveſtiture with the Standard; and *Calliſtus* being come to *Troja*, he receiv'd him in that City with all Marks of Eſteem and Reſpect[1]; and in the Year 1121, when he came to *Salerno*, where *Roger* Count of *Sicily* likewiſe was, he was entertain'd by theſe Princes with all the Honour and Reſpect imaginable[2].

AFTERWARDS, in the Year 1123, he held a Council in the *Lateran* in order to redreſs many Diſorders which had crept into his Church during the Quarrels with *Henry*, with whom he made Peace; and after having with much Prudence ſettled the Affairs of the Apoſtolick See, at laſt in the Year following 1124, he ended his Days in *Rome*[3], where he was much lamented; and it was ſoon found what great Loſs the Church of *Rome* had in him; for he was no ſooner dead, than the Cardinals, divided into Factions, elected two Popes: Some of them choſe *Lambertus* Biſhop of *Oſtia*, who took the Name of *Honorius* II. Others, *Theobaldus* Cardinal of St. *Anaſtaſia*, who was call'd *Celeſtine* II. But this Schiſm, which was fear'd might for a long Time give Diſturbance to the Church, was ſurprizingly extinguiſh'd in an inſtant; for *Celeſtine*'s Party, as the Weakeſt, yielding to that of *Honorius*, join'd with him; ſo that the Diſorders being at an End, *Honorius* was acknowledg'd and ador'd as true Pope.

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[1] P. Diac. lib. 4. cap. 68.

[2] Pell. in Caſt. ad Fal. Benev. 1121.

[3] P. Diac. lib. 4. cap. 83.

CHAP. X.

Lothaire *Duke of* Saxony, *by the Death of* Henry, *ſucceeds in the Empire of the Weſt. The Union of all theſe our Provinces in the Perſon of* Roger *Great Count of* Sicily, *by the Death of* William *Duke of* Puglia.

THE Quarrels, which in the Year 1125, fell out in *Germany* on the Death of *Henry* IV. gave great Diſturbance to the State of the Affairs of *Italy*: This Prince having left no Male-Iſſue, there aroſe great Diſſentions amongſt the Princes of *Germany* about chuſing a Succeſſor; two eſpecially, with great Application aſpir'd to the Empire; *Conrade* the Nephew of *Henry*, and *Lothaire* Duke of *Saxony*[1]. The Princes of the Empire being conven'd in order to prevent the Confuſions that might happen, were reſolv'd to compromiſe this Election by the

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[1] P. Diac. lib. 4. cap. 87.

Arbitrement of the Archbiſhop of *Mentz*, declaring, that the Perſon whom he ſhould judge worthy of the *Roman* Empire, ſhould certainly be elected. The Archbiſhop, who bore an implacable Hatred, not only againſt *Henry*, but againſt all his Family, without much deliberating, immediately excluded *Conrade*, and propoſing *Lothaire* as a moſt conſummate Captain, pious and prudent, judg'd him the moſt worthy and fit that could be rais'd to the Imperial Throne; the Election was approv'd of, and *Lothaire* was proclaim'd Emperor. Thus by the Means and Cunning of this Prelate, the Empire went from the *Germans*, who had held it ſo many Years, to the *Saxons*, in the Perſon of *Lothaire*, whom ſome call'd III. others, with more Truth, II.

CONRADE, impatient of this Rebuff, and not able to bear that any other but himſelf had ſucceeded his Uncle, having drawn many Princes of *Germany* to his Party, got himſelf to be crown'd King of *Germany*. Thus did the Quarrels between theſe Princes begin, which at the long Run occaſion'd many Diſorders, and great Confuſion in the Empire; but *Lothaire*, as being elected by the Majority, and, what was moſt material, conſecrated by the Pope, was acknowledg'd for Emperor all over the Weſt.

BUT whilſt *Honorius* govern'd the Apoſtolical See, and *Lothaire* the Empire; whilſt by the Death of *Jordanus*, *Capua* was govern'd by *Robert* his Son, and whilſt *Sergius* the laſt Duke govern'd the Dukedom of *Naples*, the Death of *William* Duke of *Puglia* happen'd in *Salerno* this Year 1127 [1]; he had govern'd theſe Provinces, after the Death of his Father, the Space of ſixteen Years [2].

THE Death of this Prince occaſion'd at laſt all theſe our Provinces to be united into the Form of a Kingdom in one Perſon, and conſequently a new Polity, and a more ſtable and perfect Form of Government to be introduc'd. For this Prince having left no Children, the Progeny of *Robert Guiſcard* was extinguiſh'd [3]. There was none other that could ſucceed to his Dominions, but *Roger* Count of *Sicily* his Uncle, who was the Son and Heir of *Roger* the Brother of *Guiſcard*. Neither could there be found at this Time, any other Prince ſo powerful, and ſo near of Kin, ſo expert in War, courteous and prudent, as the Great Count of *Sicily*; and Fortune preſenting ſo conſiderable an Inheritance, he eagerly embrac'd the Opportunity. That he might not be prevented by others, *Roger* loſt no Time in claiming the Poſſeſſion of ſo great an Inheritance. Having immediately embark'd in a Fleet at *Meſſina*, he arriv'd unexpectedly at *Salerno*, where, according to the Cuſtom and wonted Ceremonies, he got himſelf to be conſecrated Prince of *Salerno* [4], by the Archbiſhop of *Capua*. He went immediately to *Reggio*, where he was proclaim'd Duke of *Puglia* and *Calabria*; and made a Progreſs through theſe Provinces, and was receiv'd with Acclamations in all the Cities as their Sovereign.

AS ſoon as Pope *Honorius* underſtood that *Roger*, in ſo great haſte, without his Knowledge, or ſo much as having ſought Inveſtiture from him, had taken Poſſeſſion not only of *Puglia* and *Calabria*, but likewiſe of the Principality of *Salerno*, *Amalphis*, and all the other Dominions, he was highly offended; and fearing that by ſo many Dominions being added to that of *Sicily*, the overgrown Power of *Roger* might at laſt come to oppreſs the Church of *Rome*, he began to withdraw his Affection from him, and to think of Means by which he might put a Stop to the Career of ſo great Proſperity. Whence his Succeſſors, as we ſhall ſhew anon, finding that *Roger* had glorioſly united the Crowns of *Puglia* and *Sicily* in his own Perſon, which the Dukes of *Puglia* his Predeceſſors could not accompliſh, were always jealous of his Power, and turn'd over a new Leaf with him, and began to abhor him, and to put a thouſand Rubs in his Way, in order to prevent his growing more powerful. But this Prince, by his Valour and Prudence, ſurmounted all Obſtacles, and accompliſh'd his Deſigns proſperouſly; for tho' the Princes of *Capua* were Vaſſals of the Dukes of *Puglia*, neverthelеſs that Principality was govern'd by *Robert* II. with full Liberty and Power. *Roger*, after having been inveſted with it by *Anacletus*, in the Year 1135, expell'd *Robert*, who was the laſt Prince, and uſurp'd the Property of that great Principality to himſelf. The Dukedom of *Naples*, which was the laſt in being ſubdu'd, and that for ſo many Ages had maintain'd its Liberty againſt the Power of the *Longobards* and *Normans*, at laſt in the Year 1139, was ſubjected to his Dominion: So that there remain'd nothing in theſe our Provinces that was not ſubject to *Roger*. And in this manner, having united all theſe Provinces in his own Perſon, and being arriv'd to ſuch a Pitch of Greatneſs, he diſdain'd the Titles of Count and Duke, and took that of King; and ſeeing he had appointed *Palermo* to be the chief City of *Sicily*, he fix'd his Royal Seat there. And having under his Dominion the Dukedoms of *Puglia* and *Calabria* (thoſe Places alſo that had been left to Prince *Boemondus*) the Principalities of *Salerno* and *Capua*, the Dukedoms of *Amalphis*, *Naples*, and *Gaeta*, and the Principality of *Bari*, therefore in his publick Writs he took the following Titles: *Rex Siciliæ, Ducatus Apuliæ, & Principatus Capuæ.* Which Titles were long made uſe of by his Succeſſors, comprehending all theſe our Provinces, under the Title of *King* of *Puglia*, or of *Italy*.

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[1] Chron. Romualdi Arch. Salern. Falcon. Benevent. An. 1127.

[2] P. Diac. lib. 4. cap. 96. Pel. in Stem.

[3] Idem, loc. cit. Atque in ipſo omnis Roberti Guiſcardi Familia, quæ ex ipſo deſcenderat finita eſt.

[4] Abb. Teleſin. lib. 1.

BUT the famous Atchievements of *Roger* I. King of *Puglia* and *Sicily*; how by his Prudence and Valour he ſurmounted the many Obſtacles, which the Popes, and the Emperor *Lothaire* threw in his Way, in order to ſtop his growing Greatneſs; how with new Laws and Statutes he eſtabliſh'd this Realm, and gave it a more perfect Form, ſhall be treated of at large in the following Book: In the mean time, it will be proper to premiſe a ſhort Account of the Form and Diſpoſition in which *Roger* found theſe our Provinces when he came to inherit them, not only with reſpect to the Number of their Barons, and the Eccleſiaſtical Polity; but eſpecially with reſpect to the Laws and Learning which in this Age flouriſh'd in them.

CHAP. XI.

The Longobard *and Feudal Laws retain'd by the* Normans. *Learning reſtor'd in their Kingdom by the Monks of* Caſſino; *and by the* Arabs *in* Salerno.

THE *Normans*, altho' by Right of Conqueſt, after they had ſubdu'd theſe our Provinces, they had it in their Power to impoſe what Laws and Form of Government on the conquer'd People and Places they thought fit; nevertheleſs allow'd the People to be govern'd by the ſame Laws and Inſtitutes they formerly had; and even hitherto the *Normans* had impoſed no new Laws upon them, as the *Longobards* did, but being well ſatisfied with the *Longobard* and *Roman* Laws, they not only allow'd their Subjects to retain their own Laws, but likewiſe conform'd themſelves to them. The firſt who introduc'd new Laws, was King *Roger* I. as ſhall be ſhewn in the following Book.

THE Feudal Laws, which for the moſt part had their Riſe from thoſe of the *Longobards*, remain'd likewiſe intire as they were before, and the Laws of the Emperors which hitherto had been eſtabliſh'd, were by the *Normans* no leſs regarded, and order'd to be obſerv'd. And the *Greeks* and *Saracens*, who knew nothing of Fiefs, having been expell'd *Puglia*, *Calabria*, and *Sicily*, the *Normans* introduc'd them into theſe Provinces, and that Iſland, as they had been in the reſt of the Provinces that had continu'd longer under the Dominion of the *Longobards*. Whence the Number of Barons increas'd, and beſides thoſe that were in the Principalities of *Benevento*, *Salerno*, and *Capua*, the Counts of *Converſano*, *Trani*, *Lecce*,

Lecce, *Monopoli*, *Andria*[1], and many others, likewiſe ſtarted up in *Puglia*, and in *Calabria*, thoſe of *Catauzaro*, *Sinopoli*, *Squilace*, *Coſenza*, *Tarſia*, *Biſignano*, *Girace*, *Melito*, *Policaſtro*, and many others.

AND theſe two Provinces retaken by the *Greeks* from the *Longobards*, though for a long Time they had had Experience of the *Greek* Government; nevertheleſs when conquer'd by the *Normans*, had the *Longobard* Laws immediately introduc'd into them, and all their Cities were govern'd according to their Uſages; and even *Bari*, that was the chief Seat, firſt of the Deputies, and afterwards of the *Catapani*, was more obſervant of the *Longobard* Laws than all the other Cities, and the Cuſtoms of this City, are deriv'd from none other but theſe Laws; for which Cauſe *Roger* I. King of *Sicily*, after he had taken this City, being about to eſtabliſh good Laws in it, was requeſted by the *Bareſians*, to allow them to retain their own Cuſtoms, and particular Conſtitutions, which were taken from the *Longobard* Laws, their City having been long under the *Longobards*, ſuch as *Ajo*, *Melus*, *Meraldizus*, *Grimoaldus*, and other Princes of *Longobard* Extraction; and *Roger* having read and commended them, ordain'd them to be obſerv'd, and even to our Time, they are in Force[2].

THE *Normans*, for very near a whole Century, from the Time they conquer'd *Puglia* to King *Roger* I. had ſo great a Regard for the *Longobard* Laws, and preferr'd them to all others, that they paſs'd in theſe Provinces for the common Laws; and our Profeſſors apply'd themſelves to the Study of none other, for they had all Authority and Force in the Tribunals, and by them alone Cauſes were decided.

THE *Roman* Laws, as we have often obſerv'd, were only retain'd by way of Tradition; and they had remain'd amongſt the common People (who are always laſt in laying aſide the antient Uſages) as old Cuſtoms, and not as written Laws. The *Roman* Juriſprudence, and the Books of *Juſtinian*, in which it was contain'd (like all other Learning) had been forgot, and were very little known in theſe Times, and theſe Parts; ſo far were they from being read.

BUT in this Place, we ought not to rob the Monks of *Caſſino* of their deſerved Praiſe, who were the firſt that endeavour'd to recover all ſorts of Learning out of the Darkneſs wherein it had ſo long lain. The Care of the famous Abbot *Deſiderius*, who being advanc'd to the Papacy, was nam'd *Victor* III. pav'd the Way to the Knowledge of ſome of *Juſtinian*'s Books, and of others of different Profeſſions. This renown'd Abbot, after having inlarg'd that Monaſtery with ſumptuous Buildings, applied himſelf to find out many Books, in order to provide it with a well-ſtock'd Library; and the Art of Printing not being as yet brought into *Italy*, he with great Care, and much Expence, made a Collection, and caus'd them to be tranſcrib'd in a handſome Manner. Among other Books, there were *Juſtinian*'s Inſtitutions, and his *Novellæ*[3]: For theſe Books being very rare at this Time, were not in every Body's Hands, as now a Days, but, as Things very precious, were kept in ſome famous Library. The Church of *Rome* made moſt uſe of them, and alſo the Emperors of the Eaſt, ſometimes, in making ſome of their Conſtitutions, referr'd to them. Although ſome Copies of this Emperor's Code, were to be found in *France* in theſe Times (which is clear from the Letters of *Ivo* of *Chartres*) and likewiſe in *Italy*, which is manifeſt from ſome Laws of the Emperors of the Weſt, particularly of *Henry* II.[4], and from the Decretals of ſome Popes, where ſome Laws of it are quoted; nevertheleſs few made uſe of it; even the very Profeſſors neglected it, becauſe it had not that Force and Authority in the Courts of Judicature, that it afterwards acquir'd.

THE Pandects had not as yet been diſcover'd in *Amalphis*, ſo that our Profeſſors could have no Knowledge of them. Yet there were ſome Copies of them in *France*, which is clear from *Ivo*'s Letters, in which ſome Laws of the Digeſts are frequently quoted[5], for by reaſon of their famous Libraries, the Ignorance of theſe Books was not ſo great in *France*; and many Copies of the *Theodoſian* Code, and its Compend, were likewiſe to be found there.

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[1] Pellegr. in Caſtigat. ad An. Caſſ. A. 1132.

[2] Conſuetud. Bar. in proemio. Romuald. Archiep. Saler. in Chron. Maſſilla. Beatil. hiſt. di Bari, lib. 2.

[3] Chron. Caſſin. lib. 3. cap. 63. Inſtituta Juſtiniani, Novellam ejus.

[4] Conſtit. Henric. in L L. Longobard. lib. 2. tit. 67. l. 11. *where he refers to the* L. 25. C. de Epiſc. *which is* Martian'*s*; *and to the* L. 2. C. de jurejur. propter calumn. *which is* Juſtinian'*s*.

[5] Ivo Epiſt. 46. Unde & in lib. Pandectarum continetur, *quoting the* L. 7, 11 & 13. D. de ſponſalib. *And in the* 69. Epiſt. *the* L. 11 & 14. D. eud. tit. de ſpoſalib. *are quoted.*

WITH us, the Inſtitutions, and *Novellæ* of *Juſtinian*, were to be found only in the Library of *Caſſino*, ſo that the Uſe of them in theſe Times, was not ſo frequent in the Tribunals of the Cities of theſe our Provinces, as it is now.

THE *Longobard* were the only prevailing Laws, and each Tribunal decided its Cauſes according to them, and Succeſſions, Wills, Contracts, the Puniſhment of Crimes, Confiſcations, and all other Judgments were regulated by them. We have yet remaining amongſt our antient Records, ſome Veſtiges, that the Judges in their Sentences, laid great Streſs on theſe Laws; and *Leo Oſtienſis* [1] relates, that the Proceſs which began in the Year 1017. betwixt the Monaſtery of *M. Caſſino*, and the Duke of *Gaeta*, and the Count of *Trajetto*, was decided both by the *Roman* and *Longobard* Laws. *Camillus Pellegrinus* [2] quotes a Writ of *Richard* II. Prince of *Capua*, by which a Donation was made to the Church of St. *Michael the Archangel in Formiis* of many Eſtates, and among others, of ſome that had fallen to his Grandfather by Confiſcation, *ſecundum Longobardorum Legem.* And the ſame Writer [3] cites two Sentences, pronounc'd after theſe Times, the one in the Year 1149, in the Reign of King *Roger*, and the other in the Year 1171, in that of King *William*, which two Cauſes we ſee were decided by the *Longobard* Laws.

THE Judges in theſe Times, did not uſe ſo much Pomp and Ceremony in deciding Cauſes, as are obſerv'd now-a-days. Every City had its own Tribunal and Judges; and Proceſſes were decided quickly, without much Noiſe: When there happen'd any Controverſy concerning Marches, they went to the very Spot, and there decided the Cauſe immediately; the Parties were not allow'd to make Appeals to remote Tribunals, but to have their Controverſies determin'd in their own Cities, and by their own Judges.

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[1] Oſtienſ. lib. 2. cap. 35.

[2] Pellegr. in Stemm. Princ. Longob. pag. 288.

[3] Pellegr. Hiſt. Princ. Longob. pag. 251 & 256.

SECT. I.

The firſt Collections of the Longobard *Laws; and their Gloſſators.*

THE *Longobard* Laws having acquir'd ſo much Authority in theſe Times, particularly in theſe Provinces, all our Profeſſors apply'd themſelves to the Study of them; but no Perſon hitherto having collected into one Volume, both the Laws of the *Longobards*, and thoſe that had been to this Time publiſh'd by the Emperors of the Weſt, as Kings of *Italy*, for the Uſe of the Courts of Juſtice, and the greater Eaſe and Conveniency, both of Advocates and Judges; at laſt about this Time, all theſe Laws were collected into one Volume.

THE firſt Collection that we can find of theſe Laws, is that which is yet preſerv'd in the Archives of the Monaſtery of the *Trinity of the Cave*, where in one Parchment Volume written in *Longobard* Letters, are inſerted all the Edicts of the Kings of *Italy*, beginning from *Rotaris*, who was the firſt that gave written Laws to the *Longobards.* After *Rotaris*'s Edict, that of *Grimoaldus* follows; the Laws of *Luitprandus* follow next; then thoſe of *Rachis*, and laſtly thoſe of *Aſtolphus*, who was the laſt *Longobard* King that made Laws; for, as we have ſaid, *Deſiderius* his Succeſſor, and the laſt of the *Longobard* Kings, being ingag'd in continual Wars, had not Time to think of Laws. But, notwithſtanding that *Charles the Great* had expell'd *Deſiderius*, and the Kingdom of *Italy* had been tranſlated from the *Longobards* to the *French*, neverthelеſs, the Dominion of the *Longobards* continu'd in theſe our Provinces, in the Princes of *Benevento*, who, after the Example of the *Longobard* Kings, eſtabliſh'd many Laws, which, for a long Time, were obſerv'd in the Principality of *Benevento*, which in theſe Times comprehended almoſt all the now Kingdom of *Naples*; therefore the foreſaid Compiler, who undertook this Labour for the Benefit of our Countrymen, inſerted likewiſe in this Volume the *Capitularia* of *Arechis*, firſt Prince of *Benevento*, and thoſe of *Adelchis* his Succeſſor; and after having inſerted ſome ſmall Pieces of his own, he adds a ſhort Expoſition of ſome of the Laws, for the Uſe of the *Beneventans*, but more eſpecially for the *Capuans*,

Capuans, for whom he declares he had undergone that Trouble; ſo that on that account, and ſome other Conjectures, *Camillus Pellegrinus* [1] ſuſpects the Author to have been a *Capuan*. In this Collection he likewiſe adds ſome ſmall Law Treatiſes of his own, under theſe barbarous Titles. *Quantas cauſas debet eſſe Judicata ſine Sacramentum. Item quantas cauſas fieri debet per pugna Judicata. Memoratorium pro quibus cauſis filii ab hæreditate Patris exeredati fieri debet.* The *Capitularia* of *Charles the Great*, *Pepin*, *Lewis*, and of the other Emperors, who were Kings of *Italy*, after the *Longobards* were expell'd by *Charles the Great*, conclude the Book.

THIS is the moſt ancient Collection of the *Longobard* Laws that we have, made by a *Capuan*, whoſe Name we are ignorant of, which never being printed, is preſerv'd in the Archives of the Monaſtery of the Cave. *Pellegrinus* ſuppoſes it to have been made in the Beginning of this eleventh Century, about the Year 1001, or ſoon after; for the Author inſerts in it a Liſt of the Dukes and Princes of *Benevento*, and of the Counts of *Capua*, and brings it down to the ſaid Year, to *Adimarus* Prince of *Capua*. Beſides he diſcovers that he knew *Pandolphus Capodiferro* Prince of *Capua*, who died in the Year 981. And this is both the firſt and moſt ancient Author that we can diſcover to have written Treatiſes on the Law adapted to theſe Times, in which all the Care and Study of our Profeſſors were employ'd about the *Longobard* Laws.

THERE are different Sentiments concerning the Author of that other common Compilation divided into three Books, and diſtinguiſh'd into many Titles, which is now inſerted in the authentick Volume. The Feudal Books, where many *Longobard* Laws contain'd in it are quoted, evince that it is ancient [2]. Some [3] believe it to have been made in the Time of the Emperor *Lothaire* III. or II. by *Petrus Diaconus* a Monk of *Caſſino*, altho' for his own private Study, yet it was by the Perſuaſion of the ſame Emperor *Lothaire*; for 'tis evident, that *Petrus Diaconus* was his Lieutenant in *Italy*, and appointed Keeper of his Regiſter, and Almoner of the Empire [4]. They infer it, from not ſeeing any Conſtitutions of the ſucceeding Emperors in this Compilation; for tho' in the laſt Editions of *Lindenbrogius* and the Vulgar, we read a Conſtitution of *Charles* IV. yet 'tis evident that was added afterwards, becauſe it is not to be found in the Collection of *Melchior Goldaſtus*, which is more ancient than the Edition of *Lindenbrogius*; neither does that Conſtitution regard *Italy* in the leaſt. *Struvius* [5] adds another Conjecture, from ſeeing that ſome Copies bear the Name of *Petrus Diaconus*.

OTHERS by oppoſite Arguments make it doubtful who the Author was. They think *Petrus Diaconus* was not, becauſe in the Chronicle of the Monaſtery of *Caſſino* [6] he gives a particular Account of all the Works he had compil'd after he became Monk, and makes ſuch an exact Catalogue of them, that he ſets down the Proems he had made to ſome Books that were not of his own compoſing, and relates two Hymns he had made to St. *Juſta*, and ſome Sermons, and other ſmall Pieces; but makes no mention of this Compilation; whereas if he had been Author of it, he would not have fail'd to tell it with great Oſtentation, ſeeing, when he had occaſion to mention his own Works, tho' of little Moment, he did it with a great deal of Complacency. Add to this, that *Carlo di Tocco*, our moſt ancient Civilian, in the Proem he made to the Gloſſes of theſe Books, ſpeaking of the Compilers, ſays, that they were ſo ancient, that he had not been able to learn their Names; and he flouriſh'd very near the Time of *Lothaire*, for he was alive in the Reign of *William* King of *Sicily*, and would have known if *Petrus Diaconus* had been Author of this Compilation.

HOWEVER that may be, 'tis certain, that this ſecond Collection divided into three Books, tho' poorly done, without Order of Time, and very confuſedly, had better Fortune than the firſt, that was more Methodical, and in which, according to the Order of Time, all the Edicts of the *Longobard* Kings, and the *Capitularia* of the Emperors, who were Kings of *Italy*, were collected. This never having been printed, lies yet buried in the Archives of the Monaſtery of the Cave: On the contrary, that of which *Petrus Diaconus* is ſaid to be the Author, has been often printed, ſometimes ſeparately, and ſometimes with the Authentick Volume; and *Baſilius Joannes Eriold* caus'd them to be re-printed in *Baſil* in the Year 1557, with the Salick, *German*, *Saxon*, and *Britiſh* Laws, and likewiſe thoſe of other Nations. *Melchior Goldaſtus* caus'd another Edition to be printed; and *Frederick Lindenbrogius* made it to be re-printed anew, and added it to the Code of the ancient Laws.

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[1] Pellegr. in Append. lib. 1. hiſt. Princ. Longob. pag. 300.

[2] Lib. 1. Feud. 10. & lib. 2, 21, & 28. Struv. hiſt. Jur. Gothic. & Longob. §. 2.

[3] Conring. de Orig. Juris cap. 23. Ædit. Collect. Conſt. Legum Imp. in Proleg. Struv. loc. cit.

[4] Chron. Caſſin. lib. 4. cap. 125.

[5] Struv. loc. cit.

[6] Chron. lib. 4. cap. 66.

THE Credit and Authority which our Forefathers gave to theſe Books, were ſuch, that all Law Suits were decided in the Tribunals according to them; therefore our moſt ancient Profeſſors employ'd themſelves in commenting and making Notes upon them. *Carlo di Tocco*, was the firſt, who with very long Gloſſes illuſtrated theſe Books. He was born in the Village of *Tocco*, near *Benevento*, from which, according to the Cuſtom of thoſe Times, he took his Surname; and following the Example of his Forefathers, and being the Son, as he ſays, of a Doctor of Law, when a Youth he went to *Bologna* to learn the Civil Law; and he had the good Fortune to have *Placentius* [1], *Joannes* [2], *Otho Papienſis* [3], and *Bagarotto* [4] for Maſters, who had been Diſciples of the famous *Irnerius*. Being return'd to the Kingdom, he was made a Judge in *Salerno* [5]; and while he was yet young, in the Year 1162, in the Reign of *William* I. was made Judge of the High-Court [6]. He was reputed the moſt famous Lawyer in his Time, and his Memory has been celebrated by his Succeſſors.

THIS Lawyer had the ſame Reaſon to illuſtrate the *Longobards* Laws, as *Hermogenianus* and *Gregorius* had to compile their Codes. Theſe two Lawyers perceiving, that the ancient Juriſprudence of the Heathen *Romans* was falling into Contempt by the new Laws of Chriſtian Princes, reſolv'd by their Codes to prevent this, and at leaſt to preſerve the *Roman* Law in Writings. So in the Reign of *William*, when the Pandects being already found in *Amalphis*, were begun to be taught in the Academies of *Italy*, the Lawyers of theſe Times, charm'd with the Elegancy of their Stile, were induc'd to ſtudy them, and by that means they began to look upon the *Longobard* Laws as barbarous and unpolite, ſo that the Study of them was neglected. *Irnerius*, *Bulgarus*, *Martinus*, *Jacobus*, *Hugo*, *Pileus*, *Rogerius*, and others had commented in their own Times on the whole Body of the Civil Law; and after their Example, all the reſt left off the Study of the *Longobard* Laws. Wherefore *Carlo di Tocco*, to preſerve the *Longobard* Laws from falling into Contempt, and to encourage the Study of them, after he had made himſelf Maſter of the Pandects, he made it his Buſineſs to explain and confirm the *Longobard* by the *Roman* Laws in his Gloſſes, which for the moſt part contain nothing but Quotations from the *Roman* Laws, in order to encourage the Profeſſors to ſtudy them, and plead them with greater Advantage in the Courts of Juſtice, where the Pandects in his Time were of no Authority, as we ſhall ſhew in a more fit Place. This his Labour was ſo uſeful, and ſo much commended by Poſterity, that it acquir'd Force and Authority little inferior to the Laws themſelves; and *Andrea d' Iſernia*, ſpeaking of *Tocco*'s Gloſſes on the *Longobard* Laws, ſays, *Plurimum in Regno approbatur* [7]. *Luca di Penna*, *Matteo d' Afflitto*, and others give them the ſame Commendation.

FOR the ſame Reaſon, in the Time of the Emperor *Frederick* II. when the *Roman* Law was in ſuch Requeſt as to engage all Profeſſors to ſtudy it, who to their own Detriment, had forgot the *Longobard* Laws, by which alone they could carry a Point in the Courts of Juſtice: *Andrea Bonello da Barletta* wrote his Commentaries upon the *Longobard* Laws; where he takes Notice of all the Differences betwixt the two Laws, that for the future the Advocates might have no occaſion to miſtake, by minding only the *Roman*, and neglecting the *Longobard* Laws; for in pleading the *Roman* only, they had been often oblig'd to ſubmit, and quit the Field to Profeſſors of inferior Degree and Learning. Thus he ſays it happen'd once to a great Advocate, who with a great many Flouriſhes in defending a Cauſe, had cited many *Roman* Laws for his Client; and after he had harangu'd himſelf out of Breath, there ſtarted up a Pettifogger on the other Side, with the *Longobard* Laws under his Gown, which he produc'd in Court; and reading thoſe that made for his Purpoſe, obtain'd a Decree, to the great Shame of his Antagoniſt, who ſneak'd off in Confuſion.

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[1] Carol. de Tocco gloſ. in l. 1. Longob. de Scandal. l. ſi quis 6. de eo qui pecul. lib. 1.

[2] L. Long. l. ſi quis puellam, de injur. mulier. l. ſi quis aliis, de Adulter.

[3] L. ſi quis 4. de his, quæ a viro.

[4] L 4. de Ultim. volunt.

[5] L. ſi quis cum altero, de Teſtib.

[6] Ciarlant. lib. 4 cap. 13. Toppi de Orig. Trib. M. C. cap. 10.

[7] Andr. de Iſern. De his qui Feud. dar. poſſ. §. & quia.

ANDREA was Attorney-General under the Emperor *Frederick* II. and in great Eſteem with this Prince, who by his Advice inſtituted the Court of *Capua*. He was a Lawyer of great Fame in his Time, and had in great Reputation by his Succeſſors. *Andrea de Iſernia*[1] calls him an *able Doctor*; *Matteo d' Afflitto*[2], a *great Profeſſor of the Law*[3]; and others mention him with great Encomiums. Beſides this moſt uſeful and neceſſary Work, for the Knowledge of the Difference betwixt the two Laws, he compos'd other Commentaries upon the *Roman* Laws, often quoted by *Napodanus* and *Afflitto*; for, excepting theſe Authors, we do not find them quoted by any other, which makes us believe they have been mix'd with the Works of others, as his Comments on our Conſtitutions, by the Careleſsneſs of the Tranſcribers were confounded with thoſe of *Marino di Caramanico*, ſo as they can be but ill diſtinguiſh'd at this Time.

BIASE DA MARCONE, who liv'd in the Time of King *Robert*, and was his Counſellor and Favourite, likewiſe wrote Commentaries on the *Longobard* Laws[4]. He compos'd a large Volume, and *Marino Freccia*, as he ſays in his Book of Sub-Fiefs, had the Manuſcript. *Franceſco Vivio*[5] calls him a Man of great Authority in the Kingdom, and eſpecially for his Treatiſe of the Difference between the *Roman* and *Longobard* Laws; he was Contemporary with, and a Friend of *Luca di Penna*, and a Diſciple of *Benevenuto di Milo* Biſhop of *Caſerta*, to whom he ow'd great Obligations for bringing him from Nothing to the Condition he was in. *Niccolo Boerio* likewiſe employ'd his Labour on theſe Laws. And in later Times, under the Emperor *Charles* V. *Giambattiſta Nenna di Bari*, a famous Lawyer of his Age, compos'd a Book upon theſe Laws, with an Alphabetical Explication of the abſtruſe *Longobard* Words, which he caus'd to be printed in *Venice* in the Year 1537. But in proceſs of Time, the Force and Authority of theſe Laws declining, at laſt they came to be diſus'd, ſo that our Profeſſors minded them no more, and now they are quite laid aſide.

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[1] In Conſtitut. minorib. de Jure Balii.

[2] In eadem Conſtit. in princip.

[3] Ciarlant. del Sannio, lib. 4. cap. 26.

[4] Viv. Deciſ. 163.

[5] Beatil. Hiſt. di Bari, lib. 4.

SECT. II.

Learning reviv'd amongſt us by the Means of the Monks of Caſſino.

IN the Beginning of this Century Mens Spirits being rouz'd from the Lethargy in which they had been in the preceding, apply'd themſelves to Learning; and the Differences between the Emperors of the Weſt and the Popes, and between the *Greeks* and the *Latins*, incited Men to apply their Minds to ſtudy, and gave occaſion to thoſe who were attach'd to one of the Parties, and who had any Capacity, to employ their Pens, and to ſhew their Parts. The Schiſm, which at this Time divided the *Greek* and *Latin* Churches, and particularly the Diſpute about the Opinion concerning the Proceſſion of the Holy Ghoſt, likewiſe excited Men of Learning to a more than ordinary Study, both of the Scriptures and Theological Writings. Some imitated the Ancients very near both in Stile and Manner of Writing; but for the moſt part being ignorant of Languages and Hiſtory, they ſavour'd of the Barbariſm and Harſhneſs of the preceding Century; and ſome fell into the dry and barren Dialectick Way. The Study of Divinity and other Sciences, which had been neglected in the foregoing Century, was reviv'd among us by the Monks, but eſpecially by thoſe of *Monte Caſſino*. At the firſt every one was ſatisfied to follow the ancient Method, and to quote the Explication of the Fathers upon the Holy Scriptures; and did not treat of Points of Doctrine but ſlightly and caſually. But towards the latter End of this Century, Lectures of Divinity on Points of Religion came in uſe; and ſundry myſterious Queſtions were propos'd, and ſolv'd by way of Reaſoning, in a Logical manner. The Books of *Ariſtotle* began to be known among the *Arabs*, who brought them to us; and our Divines thought they would be uſeful in the Diſputes againſt the *Jews*, and the *Arabs* themſelves, therefore they adapted them to our Religion, the Doctrine and Morals of which they explain'd according to the Principles of this Philoſopher, and treated of the Doctrine of the Scriptures and Fathers after the Order and Rules of Logick and Metaphyſicks taken from his Writings. This was the Riſe of *Scholaſtic Divinity*, which ſoon after became the Principal, and almoſt the only Study of our Monks and Schools.

THE Monks of *Caſſino* diſtinguiſh'd themſelves in this Age among us above all others; they applied themſelves to theſe Studies, and with great Care kept up the *Scholæ Sacræ* amongſt us, wherein the Catechiſm was carefully explain'd by able Divines, of which in theſe Times there was a great Number. Beſides the famous Abbot *Deſiderius* ſo remarkable in Hiſtory, there was *Alſano*, who from Monk of *Caſſino*, was afterwards made Biſhop of *Salerno*, and compoſ'd many Works, of which *Petrus Diaconus*, and *Giovanna Baptiſta Maro* give us the Catalogue [1]. There was *Alberico di Settefrati*, a Village ſituated in the Dukedom of *Alvito*, a Monk of *Caſſino*, who likewiſe ſignaliz'd himſelf both by his Piety, and many Works which he wrote [2]. *Orderiſio* deſcended of the Counts of *Marſi*, whoſe Works *Petrus Diaconus* and *Maro* relate. *Pandulſo Capuano*, who flouriſh'd in *Caſſino* under the Abbot *Deſiderius* in the Year 1060, and who diſtinguiſh'd himſelf above the reſt both in Sacred and Prophane Learning, as may be ſeen by the Catalogue of his Works, which *Petrus Diaconus* has left us [3]. The Monk *Amato*, *Giovanni* Abbot of *Capua*, of whom *Diaconus* and *Maro* diſcourſe at large. *Petrus Diaconus* himſelf, and many others, who by their Works have left ſhining Monuments of their Worth.

THE Monks of *Caſſino* not only ſignaliz'd themſelves in theſe Studies, which in a manner was peculiar to them, but likewiſe diſtinguiſh'd themſelves by good Literature; for the little Share of it that was amongſt us in theſe Times, was confin'd to them, and whatever Knowledge there was of it in our Provinces was owing to them. For we obſerve in the Chronicle [4] of that Monaſtery, that *Alberico* compoſ'd a Book of *Muſick*, and another of *Logic*. *Pandolſo Capuano* wrote *de Calculatione, & de Luna*; and others upon the like Subjects, as may be ſeen in *Petrus Diaconus* [5], and by the Catalogues of their Works which he compoſ'd; and others employ'd their Labour in ſeeking after Books of various Erudition and Sciences, and in tranſcribing them, as *Deſiderius* did, who beſides the Books belonging to Sacred and Eccleſiaſtical Affairs, caus'd to be tranſcrib'd, the Hiſtory of the *Romans* and the *Goths*, written by *Jornandes*; the Hiſtory of the *Longobards*, *Goths* and *Vandals*; the Hiſtory of *Gregory* of *Tours*; that of *Joſephus* the *Jew de Bello Judaico*; that of *Cornelius Tacitus*, and *Homer*. The Hiſtory of *Erchempertus Creſconius de Bellis Lybicis*, *Cicero de Natura Deorum*, *Terence* and *Horace*. *Ovid*'s *Faſti*, *Seneca*, *Virgil*, with the Eclogues of *Theocritus*, *Donatus*, and other Authors. Neither was the Care and Diligence of *P. Diaconus* leſs afterwards, who, beſides his own Works, collected the Aſtronomy of the moſt ancient Books. He gave us a Compend of *Vitruvius de Architectura*; a Book *de generibus Lapidum prætioſorum*, and many others, of which he made a long Catalogue.

SECT. III.

Of the Schola Salerni, *famous in theſe Times for the Study of Philoſophy and Phyſic brought hither by the* Arabs.

WE are not to think that the *Arabs* have always profeſs'd Ignorance, as is commonly believ'd, becauſe they were *Mahometans*; there were amongſt them Men of notable Knowledge, whoſe Writings would fill the greateſt Libraries. More than Three hundred Years before this eleventh Century, they ſtudied with great Application; and their Application was never greater than in theſe Times, when Learning was at the loweſt Ebb with us, to wit, in the ninth and tenth

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[1] V. Toppi & Nicod. in Bibliot. Neap.

[2] V. Ciarlant. del. San. lib. 3. cap. 34.

[3] P. Diac. de Viris illuſtr. cap. 26.

[4] Chron. lib. 3. cap. 35.

[5] De Viris illuſtr. Monac. Caſſin.

Centuries. In whatever Country, by their ſo many Conqueſts they eſtabliſh'd themſelves, they cultivated the Study of two Things; the one peculiar to them, regarded their Religion, or the *Alcoran*, and the Traditions which they aſcribe to *Mahomet*, and to his firſt Diſciples and Interpreters, from whom ſprung the four Sects mention'd in the ſixth Book of this Hiſtory; the other regarded that Learning which they had taken from the *Greeks*, which was but new, with reſpect to that of the *Muſſulmans*, which was as old as their Religion.

THIS People, as we have related elſewhere, having ſubdu'd many Countries of the *Roman* Empire, and ravag'd many Provinces of *Aſia*, amongſt the Spoils and Booty they had made in *Greece*, by chance found ſome Books, and apply'd themſelves with extraordinary Eagerneſs to the Study of Learning; and they were ſo keen, that about the Year 820, they made the Calif *Almanon* demand of the Emperor of *Conſtantinople*, the beſt *Greek* Books, which when they had got, they caus'd them all to be tranſlated into *Arabick*. But they made no uſe of the Poetical Works that were amongſt thoſe Books, becauſe beſides that they were written in a foreign Language, and of a quite different Taſte from theirs, they had ſuch Regard for their own Religion, as made them abhor Idolatry, and reckon it unlawful to read them, and defile themſelves with ſo many Names of falſe Gods, and ſo many Fables, with which they were ſtuff'd. The ſame Superſtition made them deteſt the Books of Hiſtory, becauſe they deſpis'd what was more antient than their Prophet *Mahomet*. As for Political Books, they certainly could have no uſe for them, becauſe the Form of their Government was quite different from that of more free Nations: They liv'd under an Empire altogether Deſpotick, where they had no occaſion to open their Mouths, but in order to flatter their Prince; and could pretend to nothing, but to obey their Sovereign.

THEREFORE they found no other Books fit for their Uſe, but thoſe that treated of Mathematicks, Phyſick, and Philoſophy. But as they were neither ſeeking Politicks nor Eloquence; ſo *Plato*'s Leſſons were of no Uſe to them; becauſe in order to underſtand him well, the Knowledge of the Poets, who treat of the Religion and Hiſtory of the *Greeks* was neceſſary. Therefore having found the Works of *Ariſtotle*, *Hippocrates* and *Galen*, they ſtudied them with great Application. *Ariſtotle*'s Logicks and Metaphyſicks pleas'd them wonderfully, which they ſtudied with great Ardour and incredible Aſſiduity. They likewiſe apply'd themſelves to his Natural Philoſophy, particularly the Eight Books, which contain it only in general, whereas the ſpecial Phyſicks, which requir'd Experience and Obſervations, they did not reckon ſo neceſſary.

THEY had a particular Regard for Phyſick, and ſtudied the Books of *Hippocrates* and *Galen*; but they founded it chiefly on general Diſcourſes on the four Qualities of the Temperature of the four Humours, and on traditional Remedies, without examining nicely into them, but mixing them with an infinite Number of Superſtitions; and no ways improv'd the Anatomy, imperfect as it was, which they had receiv'd from the *Greeks*. But as for Chymiſtry, if they were not the Inventors, at leaſt they were the Improvers of it; but they blended it with ſo many Extravagancies, that to this Day it has been no eaſy Matter to purge it; they ſtuff'd it with ſo many vain Pretenſions, idle Diſcourſes, and ſuperſtitious Operations, as afterwards produc'd Quacks and Mountebanks. From the Study of Chymiſtry, they were eaſily led to that of Magick, and all Sorts of Divination, to which Men are naturally addicted, when they are ignorant of Natural Philoſophy, Hiſtory and true Religion. What much promoted theſe Deluſions, was Aſtrology, which was their chief Aim in ſtudying Mathematicks. In a Word, they cultivated this pretended Science under the Empire of the *Muſſulmans*, with ſo much Eagerneſs, that it has always been the Delight of their Princes, who build their greateſt Enterprizes on this weak Foundation. The ſame Calif *Almanon*, took in hand to calculate the famous Aſtronomical Tables, and it muſt be confeſs'd, that by his Obſervations, and the other uſeful Parts of Mathematicks, ſuch as Geometry and Arithmetick, they are become very ſerviceable. Algebra, and the numerical Figures, are owing to them; whereby Arithmetick is ſince become ſo eaſy. As for Aſtronomy, they had the ſame Encouragement, that induc'd the antient *Egyptians* and *Chaldeans* to apply themſelves to it, becauſe they inhabited the ſame Countries, and beſides, had all the Obſervations of the Antients, together with thoſe of the *Greeks*.

Theſe People, making Incurſions into the Provinces of *Europe*, in the moſt barbarous and unciviliz'd Times, when Ignorance and Stupidity were at their Height; either by the Names of the famous Maſters, under whom they had ſtudied, or on account of the long Voyages they had made, or for the Singularity of their Opinions, gain'd great Credit and Reſpect in the Countries they came to; they made it their Buſineſs to diſtinguiſh themſelves by ſome new Logical or Metaphyſical Subtleties, and dwelt only on what was marvellous, rare and difficult, and neglected what was pleaſant, convenient and uſeful. Therefore they were admir'd in *Europe*, and their learn'd Men had in great Eſteem. The Books of *Meſues*, *Avicenna* and *Averroes*, the great Commentator *Raſis*, and many others, were in great Eſteem and Reputation among us. And *Charles the Great* caus'd their *Arabick* Books to be tranſlated into *Latin*, as alſo ſome *Greek* Authors, that had been tranſlated by them into *Arabick*, in order to diffuſe their Learning through all the Provinces of his Empire. Whence the *French* and other *Latin* Chriſtians, learn'd from the *Arabs*, what the *Arabs* themſelves had learn'd from the *Greeks*, to wit, *Ariſtotle*'s Philoſophy, Phyſick and the Mathematicks, but ſlighted their Language, Hiſtory and Poetry, as the *Arabs* had ſlighted thoſe of the *Greeks*. And we receiv'd this kind of Learning, thus corrupted by the *Arabs*: Their Philoſophy was empty and uſeleſs, becauſe widely different from true Natural Philoſophy, which requir'd Experience and Obſervations: Their Aſtrology full of Deluſion, and fooliſh Divinations; but above all, their Phyſick was ſtuff'd with Impertinence and Superſtition.

THE firſt Books then on theſe Subjects, that were read and ſtudied, were thoſe of the *Arabs*, and on Phyſick, among others, thoſe of *Meſues* and *Avicenna*; and the firſt that ſtudied them, were the Clergy and Monks, for Learning was confin'd to them; and in theſe Times, they were the only Philoſophers and Phyſicians. Whence we read, that in *France*, *Fulbert*, Biſhop of *Chartres*, and the *Magiſter Sententiarum*, were Phyſicians: *Obizus*, a Religious of St. *Victor*, was Phyſician to *Lewis the Groſs*; *Richard*, a Monk of St. *Denis*, who wrote the Life of *Philip Auguſtus*, was likewiſe one. And in theſe our Provinces, the greateſt Prelates, and the moſt famous Monks of *Caſſino*, were the beſt Phyſicians, as we ſhall ſee; and this Profeſſion was ſo ingroſs'd by the Eccleſiaſtical Order, that a Council held in the *Lateran* in the Year 1139, under *Innocent* II. look'd upon it as an inveterate Grievance, that the Monks and regular Canons, in order to inrich themſelves, were profeſs'd Advocates and Phyſicians; and becauſe the Council took only Notice of thoſe religious Orders, Phyſick continu'd to be practiſed by the Clergy, for the Space of Three-hundred Years more.

IN the preceding Books of this Hiſtory, we have ſhewn how many Occaſions the Inhabitants of our Provinces had of correſponding with theſe *Arabs*, whereby they had Opportunities of learning theſe Sciences, eſpecially when the *Saracens* were ſettled in *Garigliano*, *Puglia*, *Monte Gargano*, *Bari*, *Salerno*, *Pozzuolo*, and many other Places; ſo that in our common Language, there are many of their Words which continue to this Day, as was obſerv'd elſewhere; and there are yet preſerv'd in *Pozzuolo*, four Marbles with Inſcriptions in Relievo, of Oriental *Saracenical* Letters. Beſides in theſe Times, there was great Communication with the *Arabs*, who were in Poſſeſſion of more than the Half of *Spain*; and we had continual Intercourſe with them by our frequent Voyages in theſe Times to the Eaſt, on account of the *Cruſades*.

BUT as their Learning, and eſpecially their Phyſick, took ſo deep Root in the City of *Salerno*, that this City above all others of our Provinces, was renown'd for the famous School founded there, yet, for any thing I know, none of our Writers has hitherto clear'd that Part of our Hiſtory. Thoſe, who believe the *Schola Salerni* to have been inſtituted, together with that of *Paris* and *Bologna*, by *Charles the Great*, are widely miſtaken; for it has been demonſtrated in this Hiſtory, that *Charles* could not found an Academy in this City, becauſe it was never ſubject to him: And when the Schools of *Paris* and *Bologna* are ſaid to have been founded by *Charles the Great*, there were ſuch obſtinate Wars between him and Prince *Arechis*, that it was not poſſible to put an End to them, and *Arechis* had ſo well fortified *Salerno*, that it was look'd upon as the moſt ſecure Retreat of the *Longobard* Princes againſt the Power of *Charles* and his Sons.

THEREFORE this School muſt be of a later Date, nor was it at firſt authorized by the Laws of any Prince, nor had it the Name of an Academy, College or Univerſity, but that of a ſimple School. It began to be eſtabliſh'd in *Salerno*, becauſe the *Oriental* and *African* People had frequent Occaſions of landing in this Maritime City. The *Saracens* viſited it often in the Time of the laſt *Longobard* Princes, ſo that the *Arabs* had occaſion to make long and frequent Stays in it. We have ſhewn in the preceding Book, that ſometimes from *Africa*, and often from the neighbouring *Sicily*, they came on the Coaſt, and terrified the *Salernitans*, who, to prevent the Ruin of their City, their Fields and neighbouring Caſtles, not having Force of their own ſufficient to repel them, often purchaſed their Peace with Sums of Money. And while the Officers appointed by the Prince collected the Contributions among his Vaſſals, the *Saracens* landed and convers'd familiarly with the *Salernitans*. Hence the *Salernitans* had an Opportunity to learn their Philoſophy, but they apply'd themſelves moſtly to the Study of Phyſick, in which they became eminent; and it was not till the Time of *Guaimarus the Elder*, that the *Salernitans* were, by the gallant *Normans*, freed from being thus plagu'd by the *Saracens*.

BUT among others that made the *Schola Salerni* famous, *Conſtantinus Africanus* was one. He was born in *Carthage*, and by his Travels in many Parts of *Aſia* and *Africa*, had learn'd amongſt theſe Nations various Sciences; but above all, had applied himſelf to Phyſick and Philoſophy. He had travel'd to *Babylon*, where he learn'd Grammar, Logick, Geometry, Arithmetick, Mathematicks, Aſtronomy, and the Phyſick of the *Chaldeans*, *Arabs*, *Perſians*, *Saracens*, *Egyptians* and *Indians*; and after 39 Years Study in thoſe Parts, he return'd to *Africa*. But the *Africans*, who could not bear to be eclips'd by his great Learning, reſolv'd to murder him; of which *Conſtantine* being appriz'd, he imbark'd in the Night-time, and arriv'd in *Salerno*, where he remain'd privately in the Diſguiſe of a Beggar[1].

THE City of *Salerno*, as we have ſaid elſewhere, being frequented by People of all theſe Nations, the King of *Babylon*'s Brother, much about this Time, arriv'd in it; perhaps led by Curioſity to ſee this City, which *Robert Guiſcard* had made a Metropolis, and the Seat of his Reſidence, and now, by the continual Traffick and Reſort of all Nations to its Ports, it had become the Mart of the Weſt. *Conſtantine* was diſcover'd by this Prince, who ſo extoll'd his excellent Endowments, that Duke *Robert* receiv'd him with all Reſpect imaginable, and did him all the Honour which was due to his Merit. Therefore he ſtaid long in *Salerno*, where he had Leiſure to promote the Study of Philoſophy, and eſpecially that of Phyſick, which was more cultivated there than any other Science: After having remain'd many Years in *Salerno*, he retir'd to *M. Caſſino*, where he became Monk; and ſpent all the Time he was in that Monaſtery, in tranſlating Books from different Languages, and compoſing many Treatiſes of Phyſick, of which *Petrus Diaconus*[2] gives us a Catalogue.

THUS the Reputation of the *Schola Salerni* increas'd, which in a great meaſure was owing to the Monks of *Caſſino*, who much improv'd the Study of Phyſick. Theſe Monks had apply'd themſelves to this Study, from the Time of Pope *John* VIII. and *Baſſacio* their Abbot, a moſt knowing Phyſician, compos'd ſome Books[3], wherein he treats of the Qualities and Uſe of many Medicines, for it was not look'd upon in theſe Times, as unbecoming the Clergy and Monks to profeſs Phyſick: And in the City of *Salerno*, and elſewhere, the moſt remarkable and noble Perſonages were not aſham'd to profeſs it. *Leo Oſtienſis*[4] relates, that *Alfano* Archbiſhop of *Salerno* was moſt expert in Phyſick, and that he made it his chief Buſineſs to cure the Sick. *Romualdus Guarva*, likewiſe Archbiſhop of that City, did not think it below him to profeſs it, as all the Noble *Salernitans* reckon'd it their greateſt Honour to be learn'd in it, and to practiſe it, and this Cuſtom continu'd in *Salerno* for many Years after; but ſome of a modern Taſte, and unacquainted with the Cuſtoms of elder Times, think that the noble *Salernitan Giovanni di Procida*, the famous Promoter of the *Sicilian Veſpers*, was not *Giovanni* the celebrated Phyſician, becauſe forſooth, in their Opinion, it derogates from Nobility to profeſs Phyſick.

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[1] Chron. Caſſ. lib. 3. cap. 35.

[2] Chron. Caſſ. lib. 3. cap. 35. V. Marum in notis ad P. Diac. de Vir. illuſtr.

[3] V. P. Diac. de Vir. illuſtr. cap. 13. & ibi Marum. V. Ab. de Nuce ad Chron. Caſ. lib. 1. cap. 23.

[4] Chron. lib. 3. cap. 7.

THUS the *Schola Salerni* was of greater Reputation than any School in *Europe*; recourſe was had to the Phyſicians thereof, and Perſons of greateſt Diſtinction when taken ill, were carried thither to be cur'd; as was the celebrated Abbot *Deſiderius*, as *Leo Oſtienſis* relates, to be cur'd of an Infirmity occaſion'd by much Watching and Abſtinence. And 'tis likewiſe ſaid, that ſome time after, *William the Wicked*, having fallen ſick in *Palermo*, and the Diſeaſe ſtill increaſing, ſent for *Romualdus Guarva*, Archbiſhop of *Salerno*, very knowing in Phyſick, to cure him; and tho' he order'd him very good Remedies proper for the Diſeaſe, yet he made uſe of none of them, but what he thought fit; for which cauſe his Death ſoon follow'd[1]. We likewiſe read that the beſt Drugs were prepar'd in *Salerno*; and 'tis ſaid, that *Sigelgaita* ſent to *Salerno* for the Poiſon to poiſon her Son-in-Law, and *Robert* her Husband.

BUT what crown'd the Reputation of this School, was a Performance of *Giovanni di Milano*, a famous *Salernitan* Phyſician, which was approv'd of by the whole *Salernitan* School, and in their Name dedicated to the King of *England*, about the Time we are now treating of. Some perhaps may wonder why the *Salernitan* Phyſicians ſhould be at the Pains to collect the Rules of Health in *Leonine* Verſe, and dedicate the Work to a King at ſo great a Diſtance, and with whom they had no Communication.

BUT they will ceaſe wondering when they recollect what has been related in the preceding Book of this Hiſtory, concerning the Coming of the *Normans*, and the Sons of *Tancred* into theſe our Provinces, who were all deſcended of *Robert* Duke of *Normandy*; and conſider, that when our *Normans* conquer'd *Puglia* and *Calabria*, and afterwards the Principality of *Salerno*, the other *Normans*, who had remain'd in *Neuſtria*, invaded *England* under *William* Duke of *Normandy*, and after a great many Victories about the Year 1070 ſubjected that Kingdom to the ſaid *William*, who was therefore ſurnam'd the *Conqueror*. Thus Princes of the ſame Blood, and all of them deſcended of *Rollo* firſt Duke of *Neuſtria*, reigning in *Salerno* and *England*, it was very natural that there ſhould be a Friendſhip and good Correſpondence, both betwixt them and their Subjects.

HERE it will be proper to ſhew, to what King of *England*, and on what Occaſion, the Phyſicians of *Salerno* in theſe Times, dedicated that Book. *William* Duke of *Normandy*, after having conquer'd the Kingdom of *England*, left three Sons, *William Rufus*, *Robert* and *Henry*. To *William* the Eldeſt *, he left the Kingdom of *England*; but he died without Children, when *Godfrey* of *Boulogne* and *Robert* were in the Holy Land. *Robert* whom the Father had appointed Duke of *Normandy*, after having given the Kingdom of *England* to *William Rufus*, reſolving to accompany *Godfrey* in this Expedition, on his way to *Paleſtine*, came into *Puglia* in the boiſterous Winter Seaſon, and paſs'd all that Winter of the Year 1096, with the *Norman* Princes of *Puglia* and *Calabria*, his Kinſmen, by whom he was entertain'd and careſs'd with all Marks of Affection. The Spring coming on, he embark'd with the famous *Godfrey* for the Holy Land. *Jeruſalem* was at laſt taken, but the Joy of this Victory was much abated by the ſad News *Robert* had of the Death of his Brother *William*, without Children, to whom he ought to ſucceed. The Kingdom of *Jeruſalem* was offer'd to him, but he refus'd it, reſolving to return to *England*, to take Poſſeſſion of that Kingdom, of which he was neareſt Heir. In his Return he took theſe Provinces in his Way, and was receiv'd in *Salerno* by the Prince his Kinſman, with great Honour and Reſpect. And ſeeing he had receiv'd a Wound in his Right Arm at the Siege of *Jeruſalem*, which by being ill cured, had turn'd to a Fiſtula, he conſulted the Phyſicians of *Salerno* about the Cure of it. The Phyſicians obſerving that the Wound had been made by a poiſon'd Arrow, told him, that there was no other way to cure it, but by having the Poiſon ſuck'd out of it †. The pious Prince would not conſent to that for fear of endangering the Perſon that ſhould ſuck it; but the Princeſs his Wife, by a rare Inſtance of Love, did not ſcruple to expoſe herſelf to that Danger, and while *Robert* was aſleep, ſuck'd out the Poiſon, and cur'd him. *Robert* afterwards would have theſe Phyſicians to preſcribe him a Rule and a Diet for preſerving the Health they had reſtor'd him; and for this End the Book was compos'd, which, tho' one of the Phyſicians was the ſole Author, bears the Name of the whole School in the Title Page, as the Philoſophical Works of the *Schola Conimbricenſis* are attributed to that School. It was dedicated to *Robert*, whom they call King of *England*; not that this Prince was ever King of that Kingdom, but that in his Return from *Paleſtine*, in order to take Poſſeſſion of it, as his Right, they made no Difficulty to call him King thereof. But his Brother *Henry* being in *England* when *William Rufus* died, took Advantage of *Robert*'s Abſence, invaded the Kingdom, and took Poſſeſſion of it; and tho' *Robert* went thither with a great Army in order to recover it, yet he was defeated by *Henry*, and loſt the Kingdom. In order to make this Book the more agreeable to that Prince, and that he might the more eaſily commit the Precepts of it to his Memory, it was compoſ'd in *Leonine* Verſe, which was the beſt ſort of Poetry of that Age; and beſides, the *Norman* Princes took ſo much Delight in the Clink of ſuch Verſe, that all their memorable Actions were celebrated in that Rhime. All the Encomiums, Marbles, and Epitaphs that were made on theſe Princes were in this kind of Rhime; the Epitaph of their firſt Duke *Rollo* was ſuch; as alſo all the others made on our *Norman* Princes. This famous Work was publiſh'd in the Year 1100, which being ſpread over all *Europe*, gain'd incredible Glory and Reputation to the Phyſicians of *Salerno*. It had many Commentators, and the moſt ancient was *Arnaldo di Villanova*, the famous Phyſician of *Charles* II. of *Anjou*. The two *James*'s *Curius* and *Crellius* beſtow'd likewiſe their Labours on it; and laſt of all *Renatus Moreau*, and *Zacharias Silvius*, explain'd it with their Notes. So that for many Ages, the *Schola Salerni* above all others was the moſt famous in the Weſt.

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[1] Capecelatr. hiſt. lib. 2. pag. 109.

* *Here the Author is miſtaken.*

† *Here again the Author is miſtaken as to the Perſon, Time, and the Place.* V. the *Eng.* Hiſt.

THUS the firſt School, that after the Decay of the *Roman* Empire, and the Declenſion of the Academy of *Rome*, was inſtituted in theſe our Provinces, was that of *Salerno*; but with this Difference, that as in the Academy of *Rome* Phyſick was not much regarded, ſo in the *Schola Salerni*, by the Ignorance of the Age, all other Profeſſions being neglected, Phyſick, which cannot be ſeparated from Philoſophy, was the principal Study; for thoſe who firſt introduc'd it here, had no Taſte for other Sciences, ſo that Phyſick and Philoſophy were their chief Study. And becauſe they learn'd it from the *Arabs*, who had the Books of *Hippocrates*, *Ariſtotle*, and *Galen*, in high Eſteem; *Galen* for Phyſick was preferr'd to all others; and *Ariſtotle* for Philoſophy, who with us for many Ages was reputed the Prince of Philoſophers.

BUT in theſe Times this was only a plain School, becauſe it was not founded by any Prince, neither for a long Time did the Princes make any Laws, that could intitle it to be an Academy, College, or Univerſity. The firſt that gave it Laws, was *Roger* I. King of *Sicily*, who among others made one [1], by which he forbad any Perſon to practiſe Phyſick, until firſt examined and approved of by the Magiſtrates and Judges. But this School was more favour'd by *Frederick* II. who ordain'd, that none ſhould preſume to take the Title of Phyſician, or dare to profeſs Phyſick, before he was approved of by the Phyſicians of *Salerno* or *Naples*, and had obtain'd their Licence. And in later Times, the other Kings Succeſſors of *Frederick*, and particularly King *Robert*, Queen *Joan* I. King *Ladiſlaus*, *Joan* II. and King *Ferdinand* I. conferr'd other Honours and Privileges on this School, and at laſt it was rais'd to be an Academy, and had the Privilege of conferring the Degree of Doctor, particularly that of Phyſick, in which it was moſt eminent, tho' afterwards other Sciences were taught there.

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[1] Conſtit. Regn. l. 18. de probabili experient. Medicor.

CHAP. XII.

Of the Eccleſiaſtical Polity of theſe our Provinces during the whole eleventh Century, to the Reign of Roger I. *King of* Sicily.

THE Popes in this Century made a greater Figure than ever, and their Power, both in Temporal and Spiritual Things was come to a prodigious Height; they were no leſs dreaded by the People, than ſuſpected by the Princes. The Depoſition of the Emperor *Henry*, the Excommunications of Crown'd Heads, the Expeditions to the Holy Land, the Cruſades, and the Diſputes with Secular Princes about Inveſtitures, made them more rich and powerful than the greateſt Kings of the Earth; for by extending their Spiritual Authority over all the Churches of the Weſt, their Power was almoſt become abſolute in theſe Times, particularly during the Pontificate of *Gregory* VII. They ſent Legates *a Latere* into all the Provinces of *Europe*, they ſent Vicars from *Rome*, and call'd Biſhops to *Rome* in order to give account of their Conduct; they confirm'd or diſapprov'd their Elections; receiv'd Appeals from their Sentences, and Complaints from their Dioceſans; and either decided them in *Rome*, or appointed Judges on the Spot. In ſhort, they enter'd into the Detail of whatever paſs'd in their Dioceſſes. They either drew all Cauſes to *Rome*, or appointed Delegates in the Places, who acted by their Authority.

THEY found means to introduce new Maxims and Notions of the Papacy, and to eſtabliſh it as an Article of Faith, that the Pope had it in his Power to depoſe Kings and Princes from their Kingdoms and Dominions, and to abſolve their Vaſſals from their Allegiance, if they (the Princes) did not obey their Commands; that the Pope was no leſs Prince and Monarch in Temporals than in Spirituals; and that all the Eccleſiaſtical State was intirely exempted from all Power and Juriſdiction of Secular Princes, as well in Temporal as Spiritual Things, and that not by Human, but Divine Right. And ſeeing in theſe Times, the Eccleſiaſticks and Monks alone, and eſpecially thoſe of the Order of St. *Benedict*, ingroſs'd all the Learning to themſelves, and the People were in profound Ignorance, therefore whatever the Monks and Prieſts put into their Heads, was receiv'd as an Oracle; ſo that, as *John Gerſon* relates, the Pope was reputed a God, who had all Power in Heaven and Earth.

THE *Greek* Church, which did not agree in this with the *Latin*, and look'd upon the Pope, not as a Biſhop, but an Emperor, proceeded to a more open Rupture, by ſeparating herſelf altogether from the *Latin*; but becauſe all our Churches, that had formerly been ſubject to the See of *Conſtantinople*, were by the *Normans* reſtor'd to that of *Rome*, that Church had no more Concern in our Affairs. Therefore henceforth we ſhall have no more occaſion to mention the Patriarch of *Conſtantinople*, whoſe Authority, as well as the *Greek* Empire, was daily dwindling away. Our gallant *Normans* having expell'd the *Greeks* altogether out of *Sicily*, and theſe our Provinces, reſtor'd all the Churches to the Pope; and to make it evident what our Princes had done for the Church of *Rome*, *Nilus Doxopatrius*, who was then *Archimandrite* in *Sicily*, wrote a Treatiſe of the five Patriarchal Sees, and dedicated it to *Roger* I. King of *Sicily*, wherein, as we have related in the ſixth Book of this

this Hiſtory, he reckons up the Churches, that had been taken from the See of *Conſtantinople*, and reſtor'd to that of *Rome* by the *Normans*.

FOR theſe Reaſons, and other ſignal Services done by the *Normans* to the Church of *Rome*, beſides the Monarchy of *Sicily*, the Rights of Inveſtiture were preſerv'd intire in the Kingdom of *Puglia* to our Princes; and no Prelate, tho' elected by the Clergy and People, could be ordain'd without their Aſſent. Whence the Canonical Gloſs ſays [1], that this was practis'd in the Kingdom of *Puglia*, by a Power, which the Kings had from the Apoſtolick See. Whether it was for this Reaſon, or for many others related by us elſewhere on other Occaſions, 'tis clear, that during the Reign of the *Normans*, in the Ordination of all Biſhops and Prelates of theſe our Provinces, the Conſent of the King was look'd upon as neceſſary, and without which all Elections were void. So we have ſeen, that Duke *Roger*, when he took the Church of *Roſſano* from the See of *Conſtantinople*, and reſtor'd it to that of *Rome*, nam'd the Biſhop that was to ſucceed to the Deceas'd; but becauſe this Biſhop was of the *Latin* Church, the People of *Roſſano*, who were of the *Greek*, refus'd to ſubmit to the Duke, if he did not give them a Biſhop of their own Church, which he agreed to. And in the Election of *Elias* Archbiſhop of *Bari*, which was in the Year 1089, this ſame Prince gave his Conſent, after which he was conſecrated in *Bari* by Pope *Urban* II. [2], which was likewiſe practis'd in the Election of the Biſhop of *Avellino* in the Time of King *Roger*, when *Robert*, Great Chancellor of *Sicily*, conſented to it in the Name of the King [3]. And there are ſome [4] who have written, that among other Reaſons which King *Roger* had to be diſguſted at Pope *Innocent* II. and adhere to *Anaclet*, one was, that *Innocent* had been offended with him, becauſe he made an ill uſe of that Share which he had in the Elections of Biſhops and Abbots, by incroaching upon the Freedom of them; and Cardinal *Baronius* [5] likewiſe gives an account of the bad Uſe that *Roger* made of this Power; and that at one and the ſame Time he had given the Church of *Avellino* for Money, to three different Perſons, according as they offer'd for it, and afterwards gave it to a fourth, who did not pretend to it; but *Baronius* was not well inform'd of this Fact, becauſe it was not the King, but *Robert* his Great Chancellor, that excluded the three as guilty of *Simony*; for reſolving to expoſe their Villainy, he made an Agreement with all the Three ſeparately, and after he had receiv'd the Money, fairly bit them, and caus'd a poor Monk, of a good and holy Life, and who was not in the leaſt ſeeking after it, to be choſen Biſhop, as *John* of *Saliſbury* Biſhop of *Chartres* [6] relates. Not only our *Norman* Kings, but likewiſe the *Suevi* kept up this Privilege; whence, while *Frederick* II. was under the Guardianſhip of *Innocent* III. this Pope gave his Conſent in all Elections, but it was *Vice Regia*, and as Guardian of the young Prince; as we ſhall ſhew in the following Books.

OUR *Norman* Princes likewiſe kept Poſſeſſion of the *Regalia* in our Churches, in the ſame manner as they did in *France*; for after the Death of a Biſhop, until a Succeſſor was elected, all the Churches of the Kingdom, and particularly thoſe that wanted Paſtors, being in the King's Power, he diſpos'd of their Revenues; and therefore it became a Cuſtom, that as ſoon as the Biſhop died, the King's Bailiffs took the Charge and Management of the Rents till the Church was provided, as the ſame King *Roger* I. declares in one of his Conſtitutions [7].

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[1] Gloſ. cap. placuit, in princ. & in cap. nemini Regum 16. qu. 17.

[2] Archid. Barenſ. apud Baron. ad ann. 1091. Electo Elia in Archiepiſcopum Bari, voluntate, atq; conſenſu Duc. Rogerii, filii Duc. Roberti. Pellegr. in Lup. Protiſp. ann. 1089.

[3] Jo. Sariſbur. de Nugis Curialium. Capecelatr. hiſt. lib. 1. pag. 61.

[4] Azorius Inſtitut. mor. p. 2. l. 5. cap. 44. §. Innoc.

[5] Baron. ad ann. 1097. tom. 11. fol. 694.

[6] Jo. Sariſb. loc. cit. Capecelatr. loc. cit.

[7] Conſtit. Regn. tit. de Adminiſtr. rerum Eccl. poſt mortem Prælat.

SECT. I.

Monks and Temporalities.

OUR *Norman* Princes extended their Authority and Protection, not only to the Churches, but likewiſe to the Monaſteries, which were daily erected under new Rules and Reforms. For ſeeing the Monaſtick Order had been greatly increaſ'd and inrich'd by the Piety of theſe Princes, it was reaſonable that they ſhould continue under their Care and Protection. The vaſt Riches and Privileges of the Order of St. *Benedict*, occaſion'd a great Looſeneſs of Manners among the Monks; the Reputation of their Sanctity was ſunk, their Diſcipline intirely loſt, and their Rules utterly neglected; for they intermeddled in the Affairs of State and War, frequented Courts, and concern'd themſelves very much in all the Enterprizes of the Popes againſt Princes. Such Remiſſneſs ſtirr'd up many to imbrace a more auſtere Life, whence ſprung the Eſtabliſhment of new Orders, all which made Profeſſion of following the Rule of St. *Benedict*, tho' they had ſome particular Cuſtoms and Uſages.

IN the beginning of this Century, in *Italy*, *Romualdo* being reſolv'd to lead a ſolitary Life, retir'd to the Solitudes of *Arezzo*, where he liv'd in the Houſe of a certain Man, nam'd *Maldo*, and inſtituted a Congregation of Monks, who, from the firſt Place they liv'd in, were call'd *Camaldoleſi*[1]. The Monaſteries of this Order increaſ'd to a great Number all over *Italy*, and likewiſe got footing in theſe our Provinces. *Peter Damian* likewiſe inſtituted a Congregation of the like Kind; and *Giovan Gualberto* of *Florence*, having left his Monaſtery, in order to lead a more auſtere and regular Life, retir'd to *Vallombroſa*, and there laid the Foundation of a new Society.

BUT the *Carthuſians*, inſtituted by St. *Bruno* in the Year 1086, made the greateſt Progreſs among us. *Bruno* was a Native of *Cologn*, who while a Canon of *Rheims*, retir'd with Six of his Companions to the Solitude of *Chartouſe*, which *Hugo* Biſhop of *Grenoble* aſſign'd them. In the Year 1090, *Urban* II. invited him to come into *Italy*, where he retir'd to a Solitude in *Calabria*, call'd *la Torre*. The great Fame of his Sanctity, mov'd *Roger* great Count of *Sicily*, to contract a ſtrict Friendſhip with him; and the Counteſs *Adelaide* his Wife, being deliver'd of a Son in *Melito*, he cauſ'd *Bruno* to baptize him: By his Interceſſion, *Roger* receiv'd ſignal Favours from Heaven, eſpecially Deliverance from a Conſpiracy, which *Sergius* the *Greek* had contriv'd; whereupon this Order was firſt eſtabliſh'd among us in *Calabria*, and the *Norman* Princes beſtow'd great Privileges and Riches upon them. The Kings of the Houſe of *Anjou*, afterwards inrich'd a Monaſtery of theirs, founded on the Mount of St. *Anſelm* in *Naples*, under the Name of St. *Martin*, from a little Church, which ſtood formerly there, dedicated to this Saint; and in proceſs of Time, they arriv'd at the Height we now ſee them.

IN theſe Times, there were other Reforms under different Rules made in *France*, whence they afterwards reach'd us. Two Gentlemen of *Vienne*, *Gaſton* and *Gironde*, who had dedicated their Perſons and Eſtates for the Relief of thoſe that were troubled with St. *Anthony*'s Fire, and reſorted thither to implore the Interceſſion of St. *Anthony*, gave Riſe to the Order of St. *Anthony*, at firſt compoſ'd of ſome Laicks, and afterwards of Religious, who profeſſ'd the Rule of St. *Auguſtin*. In the Year 1098, *Robert* Abbot of *Moleſme*, retir'd to *Ciſtelle* in the Dioceſs of *Chalon* on the *Saone*, with ſome Religious, to the Number of Twenty-one; and founded a Monaſtery there, and left ſome Religious in it, when he return'd to *Moleſme*. This Reform was approv'd of by the Pope in the Year 1100; and *Stephen Harding*, in the ſame Year 1100, was the firſt that brought this Order to perfection, and it became moſt flouriſhing.

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[1] Sigon. de Reg. Ital. lib. 8. ann. 1009.

BUT with us in the beginning of the following Century, about the Year 1134, under *Roger* I. King of *Sicily*, a new and a more remarkable Reform of the *Benedictins* began, the Author of which was *Gulielmo de Vercelli*, who was likewiſe the Founder of the Order of the Friers of *Monte Virgine*, and for the Fame of his holy Life, was much belov'd by King *Roger*, and *George* of *Antioch* his High Admiral, and was eſteem'd a Saint by many at Court, whither he frequently reſorted about the Affairs of his Monks. *Roger* much favour'd his Order, and greatly inrich'd the Monaſtery newly founded by him in *Monte Virgine*, not far from *Naples*. *Giovanni di Nuſco*, a Monk of his Order, who liv'd in his Time, and wrote this Saint's Life, which, as *Franciſco Capecelatro*[1] teſtifies, is written on Parchment, and preſerv'd in the Archives of the Monaſtery of *Monte Virgine*, got a ſpecial Grant from King *Roger*, engroſs'd in *Palermo* the 8th of *December*, in the Year 1140, in which the King, for the Welfare of the Souls of Count *Roger* his Father, of Queen *Adelaida* his Mother, and *Albiria* his Wife, gives to the Monks of *Monte Virgine*, the Church St. *Maria di Buffiana*, and likewiſe confirms by the ſame Writ, all the Poſſeſſions and Revenues which they poſſeſs'd at that Time, and all thoſe, that for the Time to come ſhould be granted them; which Grant is ſubſcrib'd by Prince *William*, in the Name of his Father. In proceſs of Time, the Order increas'd, and in the City of *Naples*, in the Street of the *Seggio di Nilo*, there was a new Monaſtery and a Church erected, which was afterwards inlarg'd by the famous Lawyer *Bartolomeo di Capua*, and where the Bones of *Matteo degli Afflicti*, another of our renown'd Lawyers, lie.

BUT 'tis worthy of Obſervation, that theſe Reforms of the Order of St. *Benedict*, ſprung from the Looſeneſs of Diſcipline and Manners, occaſion'd by ſo great Riches, which corrupted all good Cuſtoms. But who would have believ'd that theſe very Reforms, chiefly founded on the Contempt of worldly Riches, would have been the Occaſion of acquiring greater temporal Poſſeſſions to the Monaſtick State? Their credulous Votaries, edified by the auſtere Lives of the firſt Founders, and taken with their Sanctity, and the miraculous Stories they told them, did not fail very quickly, to heap Riches upon them, by making large Donations to the Churches, and new Monaſteries that were daily erected; inſomuch that in proceſs of Time, they became as rich as thoſe before the Reform; ſo that the Reforms wanted to be reform'd; for beſides their old, they were ſtill making new Acquiſitions. And in the following Ages, it was aſtoniſhing to ſee new Orders ſtart up, founded ſo much on the Contempt of worldly Riches, that on this very Account, they took the Name of *Mendicants*, and to the three Vows, added a Fourth, of living by Begging and Alms; but they no ſooner found that the People, mov'd by the Auſterity of their Lives, were inclin'd to inrich them, than Ways and Means were found to reconcile the Inclinations of the People with their Vows; ſo that in proceſs of Time, the *Mendicant* Orders grew ſo Rich, as occaſion'd Remiſſneſs, and new Reforms were thought on. But to what Purpoſe? The reform'd *Dominicans* kept to it for ſome Time; but afterwards they return'd to their former Ways. Among the *Carmelites* in the later Centuries, there was a more auſtere Reform made of Bare-footed *Carmelites*, who, at their firſt Inſtitution, profeſſed nothing but Poverty, and a total Abhorrence of worldly Riches; but afterwards, Means were contriv'd to make them capable of Succeſſion, Inheritances, and all manner of Purchaſe, inſomuch that among us, their Riches have amounted to what we now ſee. But what paſſes all Belief is, that in the Time of Pope *Paul* IV. there ſtarted up a new Order of regular Clergy, now call'd *Theatins*, who, by their Inſtitution, were bound, not only to live a poor and mendicant Life, but to exceed all the other *Mendicants* in Auſterity, by being forbidden, even to go about to ask Alms: And as the Lillies of the Field, and the Birds of the Air are cloath'd and fed, without Spinning, or any kind of Labour, ſo were they to rely on divine Providence; yet all that has avail'd nothing; becauſe ſome have been ſo taken with them, as, in ſpite of their Teeth, to heap Riches upon them by large Donations and Inheritances; but they bore thoſe Outrages patiently, and refus'd nothing; and there have likewiſe been Ways fallen upon, to make them capable of Legacies and Succeſſions, and their Riches are increas'd to ſuch a Pitch, that among us, they have rear'd up ſo magnificent and

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[1] Iſtor. di Napoli lib. 1. pag. 52.

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ſurprizing Edifices, as look more like Palaces than Monaſteries, and ſurpaſs the ſtatelieſt Buildings of the moſt famous Cities in the World.

THERE were in this and the following Century, many other Opportunities, whereby the Eccleſiaſtical State made great Acquiſitions. The chief was the Holy War; it was a ſurprizing thing to ſee, how paſſionately the Minds, not only of Princes, but of the common People, were bent on theſe Expeditions: The Devotion they had for thoſe holy Places, but eſpecially for *Jeruſalem*, was ſo great, that, overlooking all Hardſhips, they expos'd themſelves to the Dangers of very long Voyages, to Ambuſcades and Robbers; the Inclemency and Rigour of the Seaſons, Hunger and Thirſt, and the want of all the Neceſſaries of Life, with Pleaſure and Satisfaction; we are told [1], that *Fulk* Count of *Anjou*, went to *Jeruſalem*, to be there laſh'd by two of his Servants, with a Rope about his Neck, before the Sepulchre of our Saviour. From this we may eaſily imagine, how intent they were on going thither, and contributing to reſcue thoſe holy Places, out of the Hands of the Infidels. They did not value their Eſtates, Wives or Children; but Huſbands and Fathers forſook every thing, ſold what they had, inliſted themſelves in this War, and croſs'd the Seas; among us thoſe of *Puglia* and *Calabria* diſtinguiſh'd themſelves above all others, and who quitting their Houſes, follow'd *Boemondus* and *Tancred*; even the very Women, without regard to their Children, ſold what Goods were left them, for carrying on this War. The Popes and Biſhops, by their Briefs, took under their Protection the Houſes and Affairs of thoſe, who, as Soldiers of Chriſt, had mark'd themſelves with the Croſs, and this brought that Increaſe of Riches to their Churches, which commonly attends Tutors and Guardians of Widows, Orphans and Minors; the ſecular Magiſtrates durſt not pretend to protect any of them, for fear of Excommunications, which in theſe Days were fulminated unmercifully. Add to this, that *Eugenius* III. ordain'd, that any Perſon for this holy Expedition, had alſo Power to alienate Fiefs; and if the Lord of the Manor would not conſent, the Churches, even in ſpite of him, could accept of them, which open'd a Door to vaſt Acquiſitions.

THE Popes likewiſe made uſe of the Forces rais'd for the Holy Land, to whatever Purpoſe they pleas'd, whereby they much increas'd the temporal Power of the Church of *Rome*; and even the Pope's Legates, and the Biſhops of the Places where ſuch Armies rendezvous'd, imploy'd them for augmenting the Temporalities of their Churches. But what inrich'd them moſt, was a Cuſtom then introduc'd, that whoever could not go in Perſon to the Holy War, pay'd the Expences of the Voyage, for which he was not only abſolv'd from the Vow, but likewiſe obtain'd Indulgences, and other Privileges, and this was look'd upon to be as good as if he had gone in Perſon. The Offerings and Contributions which were made by the Faithful, and eſpecially Ladies, and others, that were unfit to ſerve in Perſon, came to a vaſt Sum. All this Money was not expended on the War; without doubt each Chieftain had his Share, and a conſiderable Part of it ſtuck to the Fingers of the Prelates, which much increas'd the Eccleſiaſtical Riches.

HENCE ſtarted up a new Sort of regular Orders, call'd *Military* Orders; theſe, though inſtituted for the Effuſion of Blood, were ſo mightily encourag'd, that their Numbers, as well as their Wealth, became very great in a ſhort Time. The firſt was that of St. *John* of *Jeruſalem*, or *Hoſpitalers*, appointed for the Entertainment of Pilgrims, that travell'd to that City. The ſecond was that of the *Templars*, inſtituted in the Year 1118; their Buſineſs was to provide for the Security of Pilgrims, and to fight thoſe that offer'd to moleſt them. The laſt was the *Teutonick* Order, who profeſs'd to perform both theſe Offices: What immenſe Riches theſe Orders amaſs'd, eſpecially the *Hoſpitalers* and the *Teutonicks*, is notorious to every Body.

IN imitation of theſe, thoſe of St. *James*, and of *Calatrava* ſtarted up, which were inſtituted in *Spain* for the Benefit of thoſe who went in Pilgrimage to St. *James* in *Galicia*; and for the like Reaſons, other Orders were inſtituted in other Countries. This ſo fervent Zeal for theſe upſtart Holy Places, very much cool'd the Devotion, which formerly was ſo very great, for thoſe of *Monte Caſſino*, and *Monte Gargano*; but inflam'd that for St. *Nicholas* of *Bari*, which was more frequented than any other, becauſe of its Novelty.

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[1] See Montagne's Eſſay, l. 1. c. 14.

IN theſe Times there were likewiſe other Means fallen upon, that very much contributed to the Increaſe of the Eccleſiaſtical Riches. The looking narrowly into the Matter of *Tythes*; the eſtabliſhing the *Firſt-fruits*, and the Privilege of *Sepulture*; and accepting every thing from every Body. The Tythes from voluntary, became now obligatory, and if they were not pay'd, they were exacted with great Severity, by the means of Cenſures; and it was eſtabliſh'd, that not only the *Predial* ſhould be pay'd out of the Fruits of the Earth, but likewiſe the *Mixt* of the Fruits of living Creatures; and alſo *Perſonal* of Man's Induſtry and Labour. And in proceſs of Time, Pope *Alexander* III. about the Year 1170, determin'd, that Excommunication ſhould be made uſe of for getting compleat Payment of the Tythes of Mills, Fiſhings, Hay, Wool and Bees; and that the Tythes ſhould be paid before the Charges of gathering in the Fruits were deducted; and Pope *Celeſtine* III. in the Year 1195, appointed, that the Tythes not only of Wine, Grain, the Fruits of Trees, Sheep, Gardens and Merchandize; but likewiſe thoſe of Soldiers Pay, Game and Wind-Mills, ſhould be paid under Pain of Excommunication; for this, ſee the Decretals of the Popes. But all this did not ſerve the Canoniſts, they carried the Matter further, and taught, that the Poor were oblig'd to pay the Tythes of what they got by Begging; that Whores were bound to pay the Tythe of what they earn'd by Whoring, and other ſuch Things that were impoſſible to be put in Practice.

TO the Tythes, were added the *Firſt-fruits*, which were firſt inſtituted by *Alexander* II. in imitation of the *Moſaical* Law, by which they were impos'd on the *Iſraelites*: *Moſes* did not appoint the Quantity, but left it to the Diſcretion of the Offerer. The Rabbins afterwards, as St. *Hierom* teſtifies, determin'd that it ſhould not be leſs than the Sixtieth Part, nor more than the Fortieth; which has been well imitated by our Clergy in the moſt advantagious Manner, who having appointed the Fortieth Part, call'd it afterwards the *Fourth Part*.

The Emoluments accruing from burying the Dead, and other holy Offices, were very great: Formerly Tythes were ſettled on the Curates for adminiſtring the Sacraments, burying the Dead, and other Functions, and nothing elſe was paid for theſe Offices; but when afterwards ſome pious, rich Perſons, thought fit to give ſomething for burying their Friends, at laſt the Courteſy was turn'd into a Cuſtom, and the *Quantum* was ſettled. Afterwards, when this came to be diſputed, and the Laicks refus'd to pay any thing, becauſe the Tythes were pay'd on that Account, the Clergy deny'd to perform the Functions, if they got not what was uſed to be paid. *Innocent* III. afterwards in the Year 1200, appointed that the Eccleſiaſticks ſhould perform the Functions, but the Laicks ſhould be forc'd by Cenſures, to obſerve the laudable Cuſtom of paying what was wont to be paid.

THERE was alſo another Novelty brought in, contrary to the antient Canons, which was of great Service in acquiring more Riches: It was forbid by the Canons, to receive any thing by way of Donation, or Teſtament from publick Sinners, ſacrilegious Perſons, thoſe who were at Variance with their Brethren, Whores, and other ſuch Perſons; all theſe Impediments were remov'd, and every thing was accepted of from every Perſon, and even the greateſt and moſt frequent Legacies and Donations, were left to the Churches by Whores, and Perſons that bore their Relations a Grudge. In ſuch manner did the Popes fall upon all Means to augment and preſerve their Acquiſitions; and the Clergy, for their own Intereſt, not only conſented to this, but promoted it both by their Pens and Preachings.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK XI.

ROGER, whom we ſhall ſhortly call I. King of *Sicily* and *Puglia*, having with ſo much ſpeed, and without requiring Inveſtiture from the Pope, taken Poſſeſſion of theſe our Provinces, to which, by the Death of *William* without Children, he had ſucceeded, exaſperated Pope *Honorius* in ſuch a Manner, that it was not poſſible to pacify him, either by Embaſſies, or the Offer he made him of the City of *Troja*; neither in fine, was the Fear of loſing *Benevento*, able to move him. He excommunicated *Roger* Thrice [1]; but finding theſe Thunder-bolts were thrown in vain, he had recourſe to temporal Arms; and in order to haſten the Expedition which he intended againſt this Prince, immediately went to *Benevento*, where he encourag'd many to take Arms and revenge the Affront, which he reckon'd he had receiv'd; and when he got ſome Forces together, he march'd with all poſſible haſte towards *Puglia*, where *Roger* with his Army was incamp'd. But this cunning Prince conſidering, that the Pope's Army compoſ'd of Troops, which ſome rebellious Barons had furniſh'd him, could not continue long together, thought fit to forbear Hoſtilities, and let the Summer paſs without coming to an Engagement. On the Approach of Winter, the Army diſpers'd, and the

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[1] Ab. Teleſin.

Pope was left without Troops; ſo that giving over the Enterprize, he return'd to *Benevento*. *Roger* unwilling to keep up the Quarrel, apply'd anew to him for Peace, and both meeting upon a Bridge made on purpoſe over the River *Calor*, in the Year 1128 [1], they agreed on theſe Conditions, that *Roger*, as his Predeceſſors had done, ſhould ſwear Fealty to the Pope, and promiſe to pay the uſual Quit-Rent; and on the other hand, that *Honorius* ſhould give the Inveſtiture of the Dukedoms of *Puglia* and *Calabria*, in the ſame manner as formerly; all which were perform'd [2]. This Peace was of ſuch Advantage to the Church of *Rome*, that ſoon after the *Beneventans* rebelling, *Roger*, who was then in *Puglia* with a good Army, march'd thither immediately, and reduc'd that City to the Obedience of the Church.

THIS Prince having ſettled the Affairs of theſe Provinces ſo much to his own Glory, and gain'd Pope *Honorius*'s Friendſhip, retir'd to *Palermo*; and by his great Proſperity ſeeing himſelf Maſter of ſo many Provinces, he look'd upon the Titles of Great Count of *Sicily* and Duke of *Puglia*, as too low, and that he ought to aſſume that of a King, to which his Mother *Adelaida* puſh'd him moſt, who having been Wife of *Baldwin* King of *Jeruſalem*, tho' aftewards repudiated, retain'd the Royal Title, and inſtigated her Son *Roger* to undertake the Conqueſt of that Kingdom; add to this likewiſe, his conſidering that thoſe who anciently had govern'd *Sicily*, had the Title of Kings [3], therefore he reſolv'd to take this Title; and having made *Palermo* the Metropolis of the Kingdom, he would be call'd King of *Sicily*, of the Dukedoms of *Puglia* and *Calabria*, and the Principality of *Capua*; and in this manner he was proclaim'd King by his Subjects: In his Charters and publick Writs, theſe were the Titles he took, *Rex Siciliæ*, *Ducatus Apuliæ*, *Principatus Capuæ*. And ſeeing it was the Cuſtom at this Time, for Kings to be crown'd and anointed by their Archbiſhops, he made himſelf to be crown'd King of *Sicily* and of *Puglia* by four Archbiſhops, to wit, thoſe of *Palermo*, *Benevento*, *Capua*, and *Salerno*, in preſence of the Chief Barons, many Biſhops and Abbots, and all the Nobility and People; which Ceremony could not be perform'd more lawfully, prudently, and with greater Pomp; for *Roger* was become ſo great a Prince, that he could lawfully take the Title of King. Beſides he had the good Will and Inclination of the People, which before the Cuſtom of Kings being anointed by Biſhops was brought in, was thought ſufficient. And we have elſewhere obſerv'd, that *Theodorick the Oſtrogroth* was thus proclaim'd King of *Italy*, and the *Longobard* Kings in the ſame manner. The Rites and Ceremonies were always different, as were the Nations, ſome us'd to raiſe the Elected upon a Shield, others made uſe of a Spear, and others had different manners of performing it [4].

BUT it being the Cuſtom at this Time, that this Solemnity was to be perform'd by Biſhops, who put the Crown on the Head of the Elected, and anointed him with ſacred Oyl, *Roger* did not fail to have it thus done; for having been proclaim'd King, not only of *Sicily*, but alſo of the Dukedoms of *Puglia* and *Calabria*, and of the Principalities of *Capua* and *Salerno*, which comprehended theſe our Provinces, he would have the four Archbiſhops, to whom by ancient Cuſtom, it belong'd to anoint and crown their Princes, to perform the Ceremony; they by the Provinces, of which they were Metropolitans, repreſenting *Sicily*, and all *Italy* on this Side of the *Tyber*, crown'd him in a manner with four Crowns at the ſame Time, to wit, the Archbiſhop of *Palermo* for *Sicily*, and our three Archbiſhops for all theſe Provinces, which anciently were comprehended in the Principalities of *Benevento*, *Capua*, and *Salerno*; which was not without a Precedent, for they could obſerve, that other Kings were wont to be crown'd with as many Crowns as they had Kingdoms; therefore they were not crown'd by one ſingle Biſhop, but by more, as *Hincmare* Biſhop of *Rheims* writes of the Coronation of *Charles the Bald*, which was perform'd in *Metz* in the Year 869.

THEREFORE the Coronation of *Roger* could not be more legally perform'd, neither had any Perſon cauſe to complain, that he thought this enough. But the Popes, as we have obſerv'd elſewhere, among their other bold Attempts, by which they ſought to inlarge their Authority, had begun to pretend, that no

[1] Falco Benev.

[2] P. Diac. lib. 4. cap. 56.

[3] Ab. Teleſ. Quia olim ſub Priſcis temporibus ſuper hanc ipſam Provinciam Reges nonnullos habuiſſe traditur. *And in the Bull or Inveſtiture of* Innocent II. *'tis ſaid*, Regnum Siciliæ quod utique prout in antiquis refertur hiſtoriis, Regnum fuiſſe, non dubium eſt.

[4] V. Patric. de Marte Gallico.

Chriſtian Prince could take upon him the Title of King without their Grant and Permiſſion. And they were ſo much the more obſtinate in this Claim, as they arrogated to themſelves the very ſame Authority in the Election of the Emperors of the Weſt, pretending, that without their Conſent none could be rais'd to that Dignity, and they did not bluſh to ſay that the Empire, as well as all other Kingdoms, depended upon them, as *Clement* V. and *Adrian* believ'd. Yea, one of them writing to the Emperor *Frederick* himſelf, did not ſtick to ſay, that the Empire was a Gift *(Beneficium)* of the Popes, which *Frederick* reſented in the manner that every Body knows, by obliging that Pope, in order to make him recant his Inſolence, like a Pedant to explain the Word *Beneficium*, and in what Senſe he had taken it. The Popes claim'd this Power as Vicars of Him *per quem Reges regnant*; and Princes even believ'd it, and perſuaded themſelves, that as the Kings of *Iſrael* were with great Solemnity anointed by the Prophets, ſo they ought to be anointed and crown'd by the Popes. Whence many Princes of *Chriſtendom* did not ſcruple to pay Tribute, and become Feudatories to the Church of *Rome*. Thus *Ethelwolf* King of *England*, in the Year 846 went to *Rome*, and got his Title of King confirm'd by Pope *Leo* IV. and made his Kingdom Tributary to the Apoſtolick See, by paying a Penny *Sterling* yearly for each Family; and this Tribute, which was call'd St. *Peter*'s Pence, continu'd to be paid until the Time of *Henry* VIII. And in ſucceeding Times, when Ignorance and Stupidity were at a greater height, other Princes follow'd this Example, and paid Tribute. In the Year 1178, *Alphonſus* Duke of *Portugal*, having got the Title of King from *Alexander* III. for his gallant Atchievements againſt the *Moors* of *Spain*, promis'd to pay Tribute. *Stephen* Duke of *Hungary*, the Dukes of *Poland*, *Arragon*, and other Princes did the ſame; inſomuch that *Bodinus* himſelf [1] did not ſcruple to ſay, that the Kings of *Jeruſalem*, *England*, *Ireland*, *Naples*, *Sicily*, *Arragon*, *Sardinia*, *Corſica*, *Granada*, *Hungary*, and the *Canary* Iſlands, were all Feudatories of the Church of *Rome*. And the cunning Popes, to preſerve this Sovereignty over theſe Princes, tho' they were real Kings, and own'd as ſuch by the People, and recogniz'd by the other Princes of *Europe*, when they found that they were indifferent whether they gave them theſe Titles or not, very eaſily beſtow'd them, and they as eaſily accepted of them, without diving into the Secret that was hid under this Generoſity; thus in later Times our *Neapolitan* Pope *Paul* IV. took it in his Head to erect *Ireland* into a Kingdom, and tho' *Henry* VIII. had made it one before, and the Title had been continu'd in *Edward*, *Mary* and her Husband, nevertheleſs the Pope, diſſembling his Knowledge of what *Henry* had done, would have it to be thought that he had erected that Iſland into a Kingdom, that ſo the World might believe, that the Popes alone had Power to make and unmake Kingdoms; and that the Queen's Title was purely owing to the Pope, and not deriv'd from her Father. Our Forefathers ſaw the ſame practis'd with reſpect to the Duke of *Tuſcany*, who got the Title of Great Duke from the Pope. And were this Power claim'd by the Popes only, perhaps it might be born with, but even the Archbiſhops of *Milan* aſſum'd the Authority of making the Kings of *Italy*, as we have ſhewn in the preceding Books of this Hiſtory.

BUT on the other hand, it was no leſs ſtrange to ſee the Emperors of the Weſt ſet up their Claim, that they only had Power to make Kings, and erect States into Kingdoms; their Claim was founded on the Empire of the Weſt's being reſtor'd in the Perſon of *Charles the Great*, and that they as Succeſſors of this renown'd Emperor, had a Right to all the Weſt; for if the *Roman* Senate took upon them in the popular State to make Kings, they thought they could much more do ſo. Above all others the Emperor *Frederick* I. had this Notion; he ſent the Sword and the Royal Crown to *Peter* King of *Denmark*, giving him the Name of King as a Title of Honour only, reſerving expreſly (as *Trithemius* [2] relates it) the Sovereignty of his Country to the Empire, which was detrimental to the Empire itſelf; for on that account the Kings of *Denmark* took occaſion by Degrees to withdraw themſelves from their Obedience to the Empire, and in conſequence of the Title of Kings, have made themſelves abſolute Sovereigns. The ſame Emperor gave the Title of King to the Duke of *Auſtria*; but his Fate was quite the Reverſe of that of the King of *Denmark*, for he no ſooner got this Title, with the ſame Reſervation of Sovereignty, than he ſet up for himſelf, refus'd all Obedience to his Sovereign, and twelve Years after was depriv'd of the Title of King, and forc'd to call himſelf only Archduke. This ſame Emperor likewiſe gave the Title of King to the Duke of *Bohemia*, with the like Reſerve of Sovereignty; in which there has been no Alteration ſince, as well by reaſon of the Smallneſs of the Kingdom in the Neighbourhood of the Imperial Seat, as becauſe this King is an Elector.

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[1] V. Bodin. de Rep. cap. 6.

[2] Trithem. cap. 17.

WE have elſewhere obſerv'd, that *Cujacius* [1] and ſome others believ'd, that *England* once acknowledg'd itſelf Feudatory to the Emperor, but that *France* never did. But the *Engliſh* give him the Lye; and *Arthur Duck* [2] ſays, that *Cujacius* wrote this without any Ground, for in the ſame Century that *France* ſhook off the Yoke of the Empire, *England* did the ſame, and the *Britons* are as independant of the Empire as the *French*.

THUS both the Pope and the Emperor claiming a Power to make Kings, and pretending that all Dominion depended on them, there aroſe an obſtinate Diſpute amongſt our Doctors, according to their different Factions, ſome maintain'd the Opinions of *Clement* and *Adrian*, that the Empire, and all Kingdoms depended on the Pope; others ſided with the Emperor; and *Bartolus* [3] a Stickler for the Rights of the Empire, was ſo ſtiff in his Opinion, and run into ſuch Exceſs, that he did not ſcruple to pronounce him to be a Heretick, that would not own the Emperor for Lord of all the World; for which he was check'd by *Covarruvias* [4], and other Writers, who look'd upon ſuch a Propoſition with Scorn.

BUT amidſt this Variety of Opinions, while ſome maintain'd the one, and ſome the other Side of the Queſtion; they all agreed that the Sovereignty of the Chriſtian World, depended either on the Pope or the Emperor. A Propoſition as falſe, as repugnant to good Senſe, and to what we obſerve in other Kingdoms and Monarchies; for Sovereignty proceeds from nothing elſe, but either from Conqueſt, or the Submiſſion of the People; neither has the Pope, as may be obſerv'd in many Places of this Hiſtory, as Succeſſor to St. *Peter*, or as Vicar of Chriſt, any Right to pretend to it; for the Power given to St. *Peter*, by him who declar'd that his Kingdom was not of this World, had no relation to an Earthly and Temporal, but to a Spiritual and Eternal Kingdom in Heaven, as we have fully demonſtrated in the firſt Book, when we had occaſion to treat of the Eccleſiaſtical Polity. And tho' now a-Days we ſee him Lord of ſo many States, and in Poſſeſſion of many notable Prerogatives in the Dominions of other Princes, yet all is owing either to the Conceſſion and Toleration of Princes, or to Cuſtom, which by length of Time, and their exquiſite Management and Cunning, has taken ſuch deep Root, that in many Countries 'tis not poſſible to eradicate it, whereof our Kingdom is a very flagrant Inſtance, which became a Fief of the Church, by the voluntary Conceſſion and Connivance of its Princes, who permitted the Popes to make many Incroachments, as we ſhall ſee in the Courſe of this Hiſtory.

MUCH leſs can the Emperors of *Germany* pretend to this Power; for the Kingdoms not conquer'd by *Charles the Great*, ſuch as *Spain*, and many others, certainly continu'd real Monarchies, and independent of the Empire. Neither can the Empire of the Weſt's being reſtor'd in the Perſon of this Prince, import any thing elſe, but that partly by Succeſſion, and partly by Conqueſt, he made himſelf Maſter of ſo many Kingdoms and Provinces, that he could juſtly take the Title of Emperor; and afterwards the many Kingdoms and Provinces, ſuch as *France*, &c. which were loſt by his Succeſſors, return'd to the State they had been in before *Charles the Great* aſſum'd that Title; and either by Conqueſt, or the Submiſſion of the People, came under the Dominion of other Princes, and theſe, as real Monarchs and Kings, poſſeſs'd them independently; but the *French* pretend, that *France* was ſo far from being a part of the Empire, that the Empire was rather a part of the *French* Monarchy.

THUS *Roger*, with reſpect to *Sicily*, which had never been conquer'd by *Charles the Great*, nor ever ſubjected to the Empire of the Weſt, but rather to that of the Eaſt, had no occaſion to have recourſe to the Empire of the Weſt, when he reſolv'd to erect it into a Kingdom, as it anciently had been. And tho' the Emperors of the Weſt were Sovereigns of the Provinces comprehended in the Dukedom of *Benevento*, when it was at its greateſt Height, and were acknowledg'd as ſuch by the *Longobard* Princes; yet the *Normans* afterwards lop'd off that Dukedom from the Empire of the Weſt, as they did *Puglia* and *Calabria*, from that of the Eaſt, and govern'd them as independent of both theſe Empires. And tho' at firſt they had receiv'd the Inveſtiture of *Puglia* from the Emperors of the Eaſt, yet, as we have ſeen, that was not regarded, becauſe the *Normans* afterwards choſe rather to be Feudatories of the Apoſtolick See, than of the Empire: Neither did the Emperors of the Eaſt mind it much. However, 'tis true, that both *Lothaire* and his Succeſſors, when Occaſions offer'd, did not fail to keep up their Pretenſions to Sovereignty: Thus *Lothaire*, when *Rainulphus* wanted to be inveſted with the Dukedoms of *Puglia* and *Calabria*, in Oppoſition to our *Roger*, pretended to inveſt him; and on the other hand, Pope *Innocent* II. pretended it belong'd to him to give the Inveſtiture: In order to prevent Quarrels betwixt them, of which *Roger* the common Enemy would have taken Advantage; it was agreed that both ſhould give Inveſtiture, which they both perform'd with the Standard. And there was a Diſpute betwixt *Innocent* II. and the ſame *Lothaire*, about the Principalities of *Salerno* and *Amalphis*, of which the Popes had not as yet given any Inveſtiture; *Lothaire* pretended to give it, which the Popes ſtrenuouſly oppos'd, upon which aroſe thoſe Diſputes, which our *Roger* made the beſt of to his own Advantage [1]. And on account of the ſame Pretenſions, in Times leſs remote from us, *Henry* VII. the firſt Emperor of the Houſe of *Luxemberg*, ſummon'd *Robert* King of *Naples*, and Count of *Provence*, before his Tribunal at *Piſa*, becauſe he pretended that the Kingdom of *Naples* was a Fief of the Empire; and having put him under the Ban of the Empire, and depos'd him, he inveſted *Frederick* King of *Sicily* with the Kingdom, who came into *Calabria* in order to conquer it, and took *Reggio* and many other Cities on that Coaſt. But *Henry* died ſoon after, ſo that the Expedition turn'd to no account, and *Frederick* being thus diſappointed, return'd to *Sicily*.

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[1] Cuj. l. 1. de Feud. tit. 2. §. & quia vidimus.

[2] Arth. de Auth. Jur. Rom. lib. 2. de Angl. num. 1.

[3] Bartol. in l. hoſtes, de Captivis.

[4] Covar. pract. quæſt. 1. num. 2.

BUT the Empire being now confin'd to *Germany*, the Emperors are look'd upon at this Time as ſimple Princes, who cannot ſo much as pretend to be Sovereigns even there, the Sovereignty being lodg'd in the Empire, as *Bodinus* has clearly prov'd; and other Princes being eſtabliſh'd in their Kingdoms and Dominions, by a long Tract of Years, and altogether independent on the Empire, on good Grounds boaſt, that their States are true Monarchies, as doth our Kingdom of *Naples*, notwithſtanding the Inveſtiture which our Princes receive from the Popes, which Inveſtitures do not in the leaſt derogate from the Independency, Sovereignty, and Supreme Royalties, with which they are adorn'd, and by which they are reputed, as they really are, true Monarchs, as we ſhall ſhew in the Courſe of this Hiſtory.

BUT let us return to the Coronation of our *Roger*: Tho' in thoſe Times the Emperors of the Weſt pretended to the Sovereignty of theſe our Provinces; yet the Popes had actually excluded them, and they had nothing left them but the bare Claim. The *Norman* Princes therefore did not think fit to take Inveſtiture from them; neither had they any Thoughts about it. But on the contrary, the Authority of the Popes was ſo great in theſe Times, that Princes did not think they could aſſume the Royal, nor any other Title, without their Conſent; the *Norman* Princes, eſpecially *Roger*, ſeem'd to be perſuaded of this.

AND there even are not wanting good Authors, who write, that *Roger* never took it upon him to be crown'd King, and to aſſume that Title, without the Permiſſion and good liking of the Popes; and that he was not twice crown'd, firſt by his own Authority, in the Year 1129, and next by *Anaclet*, in the Year 1130; for which we deſire no better Voucher than the moſt accurate *Pellegrinus* [2], who, from the Authority of *Falcon* of *Benevento*, and the Abbot of *Teleſe*, maintains, that *Roger* made himſelf to be crown'd only once, and that by the Authority of *Anaclet*; for, by the Death of *Honorius*, which fell out in *February* in the Year 1130, a Schiſm having ariſen betwixt *Innocent* II. and *Anaclet* II. both of them being elected Popes the ſame Day by oppoſite Factions; *Roger* was pleas'd to ſide with *Anaclet*, who, looking upon it as the moſt lucky Thing that could have happen'd to him, becauſe being ſupported by ſo powerful a Prince, he ſhould be able to withſtand *Innocent*'s Faction, deny'd him nothing that he could demand; ſo that *Anaclet* came to *Avellino* in the Month of *October* of the ſame Year, and appointed the Time and Place of the Coronation, and the ſame Month return'd to *Benevento*, where he caus'd the Bull to be drawn up, as we read it in *Baronius*; and ſent one of his Cardinals to *Sicily*, in order to crown him, which was accordingly perform'd in *Palermo*, in the Month of *December* of the ſame Year on a *Sunday*, being the Nativity of our Saviour, with great Solemnity and Pomp, which is deſcrib'd by the Abbot of *Teleſe*, a contemporary Writer, and Eye-witneſs, and one of *Roger*'s Favourites. *Falcon* of *Benevento*, *Petrus Diaconus* [1], all the Antients, and eſpecially the Abbot of *Teleſe* [2], mention this as the only Coronation of *Roger*, without taking Notice of any other. And to tell the Truth, if there had been any, ſurely the Abbot of *Teleſe*, who wrote the Actions of this Prince ſo particularly, and thoſe wherein *Anaclet* was concern'd, with ſo much Exactneſs, had no Motives to paſs over the firſt in Silence, and conceal it out of favour to *Roger*. Neither would he have neglected to give an Account of the great Solemnity and Pomp, and the Conſent of ſo many eminent Prelates and Lords, which are ſaid to have been preſent at this firſt Coronation, celebrated at a Time, when there was no Schiſm in the Church; but when *Honorius*, by the Peace made with *Roger*, was in the moſt ſtrict Friendſhip with him.

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[1] P. Diac. lib. 4. cap. 17.

[2] Pellegr. in Caſtigat. ad Falc. Ben. A. 1130.

THE firſt we find that mentions this Coronation, ſo ſolemnly perform'd by four Archbiſhops, is *Fazzellus* [3], from whom 'tis probable *Sigonius* had it. But theſe jumble many Things together with ſo little Coherence, that they deſerve as little Credit. Others, in order to get this Story to be believ'd, alledge a Chronicle [4] not as yet printed, of a certain *Maraldo*, a *Carthuſian* Monk; but they don't tell how old it is; and *Maraldo* mentions only one Coronation. By theſe Arguments, and becauſe all the Antients are ſilent, and make not the leaſt mention of it, *Pellegrinus* is of Opinion, that *Roger* was only once crown'd, and that by the Authority of Pope *Anaclet*, whom, during that Schiſm, not only he and his Kingdoms look'd upon as true Pope; but a great Part of *Italy*, and the *Romans* themſelves, as having been elected by the Majority of the Cardinals, tho' *Innocent* had been elected before him, but by the Minority. I know that *Inveges*, not ſatisfied with theſe Arguments of *Pellegrinus*, is of the contrary Opinion; he ſays, that *Roger* having been crown'd by his own Authority, as ſoon as *Innocent* was elected, he intreated him to confirm this Coronation by his Bull; but not being able to perſuade *Innocent* to confirm it, he deſerted *Innocent*, and had recourſe to *Anaclet*, who gladly complied with his Requeſt. However that may be, whether this was the firſt or ſecond Coronation of *Roger*, 'tis certain, that this Prince thought he could neither ſecurely nor lawfully aſſume that Title, nor erect his Dominions into Kingdoms, without the Permiſſion or Confirmation of *Anaclet*, whom he look'd upon as true Pope, to whom he had made his Dominions Tributary, and from whom his Predeceſſors had receiv'd Inveſtiture.

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[1] Chr Caſſ. lib. 4. cap. 7.

[2] Ab. Teleſin. lib. 2. cap. 1.

[3] V. Faz. Decad. 2. lib. 7.

[4] Chron. M. S. di S. Stephano del Boſco.

SECT. I.

The Inveſtiture given by Pope Anaclet *to* Roger I. *King of* Sicily.

NOW when *Anaclet* had ſo great need of the Alliance and Friendſhip of *Roger*, he not only made him King, and order'd all the Biſhops and Abbots of his Dominions to acknowledge him as ſuch, and to take the Oath of Fidelity to him, but granted him a more ample Inveſtiture, than ever his Predeceſſors Dukes of *Puglia* had been able to obtain; for beſides inveſting him with *Sicily*, *Puglia* and *Calabria*, he likewiſe gave him the [1] Inveſtiture of the Principality of *Capua*, and which will appear ſtrange, of the Dukedom of *Naples* alſo, as the Words of the Bull bear, and as *Petrus Diaconus* likewiſe relates them [1].

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[1] Anaclet's Bull, Coronam Regni Siciliæ, & Calabriæ, & Apuliæ, &c. Et Siciliam Caput Regni conſtituimus, &c. Donamus etiam, & auctorizamus tibi, & tuis hæredibus Principatum Capuanum cum omnibus tenementis ſuis, quemadmodum Principes Capuanorum tam in preſenti, quam in preterito tenuerunt. Honorem quoque Neapolis, ejuſque pertinentiarum, &c.

THOUGH it was even very ſtrange to ſee *Anaclet* give the Inveſtiture of the Principality of *Capua* to *Roger*, when *Robert* its own Prince was in peaceable Poſſeſſion of it; yet he could juſtify it, and it was excuſable, becauſe the Princes of *Capua* his Predeceſſors, had receiv'd the Inveſtiture of that Principality from the Popes, and were reckon'd Feudatories of the Apoſtolick See, in the ſame Manner as the Dukes of *Puglia* and *Calabria* were, and ſeeing Prince *Robert* adher'd to *Innocent* his Enemy, he might well colour the Fact with ſuch a ſpecious Pretence. But as for the Dukedom of *Naples*, which depended on the Empire of the Eaſt, and was govern'd by its own Duke *Sergius*, in the Form of a Republick, under what Pretence *Anaclet* could do it, cannot truly be conceiv'd; and if even the *Neapolitans*, as is alledg'd, did ſide with *Innocent*, that gave him no Title to diſpoſe of that Dukedom, to which he had not the leaſt Claim. But the Popes in theſe Times got eaſily over theſe Conſiderations, when their Grandeur was at Stake; they were already accuſtom'd to give Inveſtiture of other People's Countries, to which they had no Right, as they did of *Sicily*, and theſe our Provinces.

IT was not *Roger*'s Buſineſs to examine narrowly into ſuch Rights; he wanted but the Shadow of a Pretence, to conquer with his Arms, what the Pope gave him by Word and Writ; which he thought was ſufficient to juſtify his Conqueſts, and which ſoon after he put in Practice; for he drove *Robert* out of that Principality, and made War upon the *Neapolitans*, and thus made himſelf Maſter of both theſe Dominions.

BUT perhaps it may be thought ſtrange why *Roger* on this Occaſion, was not likewiſe inveſted with the Principality of *Salerno*. The Reaſon was, becauſe the Popes pretended that that Principality belong'd intirely to the Church of *Rome*, though it was not known by what particular Right. For which Cauſe *Gregory* VII. and all his Succeſſors, always excepted it in the Inveſtitures, as we have obſerv'd. And when *Lothaire* took it from *Roger*, and was reſolv'd to appropriate it to himſelf, *Innocent* was offended, and complain'd ſadly, that he ſhould offer to claim as his own, what belong'd to the Church of *Rome*, which occaſion'd Quarrels betwixt the Pope and *Lothaire*, as *Petrus Diaconus* relates [2]. The Inveſtiture was given to *Roger*, his Children and their Heirs, *jure perpetuo*. And the Quit-rent agreed upon, was Six hundred *Schifati* yearly [3].

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[1] P. Diac. lib. 4. c. 97. Petrus præterea Cardinalis Rogerio Duci Apuliæ coronam tribuens, & per privilegium Capuanum Principatum, & Ducatum Neapolitanum cum Apulia, Calabria, & Sicilia illi confirmans, Regemque conſtituens, ad ſuam partem attraxit.

[2] P. Diac. lib. 4. c. 117.

[3] Bulla Anaclet. Concedimus igitur, donamus, & auctorizamus tibi, & filio tuo Rogerio, & aliis filiis tuis ſecundum tuam ordinationem in Regnum ſubſtituendis, & hæredibus ſuis coronam Regni Siciliæ, & Calabriæ, & Apuliæ, &c. Tu autem cenſum, & hæredes tui, videlicet Sexcentos Schifatos, quos annis ſingulis Romanæ Eccleſiæ perſolvere debes, &c.

CHAP. I.

Pope Innocent II. *in Confederacy with the Emperor* Lothaire, *makes War upon King* Roger. *The Prince of* Capua, *and the Duke of* Naples *joyn* Lothaire, *and are defeated, and* Roger *takes Poſſeſſion of their Dominions.*

IN the mean Time *Innocent*, ſeeing that *Anaclet*'s Faction, which *Roger* had joyn'd, was the moſt powerful, and that as he was the Son of *Petrus Leo*, a rich and potent *Roman* Citizen, he could not diſpute the See with him in *Rome*, had privately, with ſome Cardinals that had elected him Pope, retir'd from *Rome* to *Piſa*, where he was receiv'd by the *Piſans*, with all the Marks of Eſteem and Veneration as true Pope. *Piſa* in theſe Times was remarkable amongſt all the Cities of *Italy*, for the Wealth and Bravery of its Citizens, and much more for its Power at Sea; here *Innocent* ſoon after imbark'd in their Gallies, and went to *France*, in order to perſuade King *Lewis* to take him under his Protection, againſt the Power of his Rival. Being arriv'd in *France*, he call'd a Council in *Reims*, where he excommunicated *Anaclet*, and all his Faction; but perceiving that the King of *France* could not give him that Aſſiſtance, which he then ſtood in need of, he got the Emperor *Lothaire* to eſpouſe his Intereſt, in whom he found a greater Diſpoſition and Readineſs, than in *Lewis*. *Lothaire* had a mind to recover theſe Provinces, which he thought *Roger* had uſurp'd from him; and laid hold of this Opportunity to induce the Pope to grant him the ſo much contraverted Inveſtitures. And which, as *Petrus Diaconus* [1], a contemporary Author writes, he immediately got. *Baronius* gives this Writer the Lye, and ſays, That *Lothaire* did pretend to them, but was oppos'd by the Abbot of *Charavalle*, who advis'd *Innocent* not to give his Conſent, and accordingly *Innocent* did refuſe to give the Inveſtitures, and *Baronius*'s Voucher is the Writer of the Life of this Saint, which was *Barnardus de Bonavelle*, a much later Author.

HOWEVER that may be, *Innocent* got the Emperor to come preſently into *Italy* with him, where they found *Anaclet* in Poſſeſſion of St. *Peter*'s Church; *Innocent* went to lodge in the *Lateran* Palace, and the Emperor with his Soldiers, took up his Quarters in the Church of St. *Paul*. In the mean time many Barons of *Puglia* that were diſguſted at *Roger*, joyn'd *Innocent*'s Faction. The moſt remarkable amongſt them, were *Rainulphus* Count of *Airola* and *Avellino*; *Robert* Prince of *Capua*, and *Sergius* Duke of *Naples*. *Rainulphus*, though he was the King's Brother-in-Law, by having married *Mathilda* his Siſter, yet bore him a Grudge, becauſe when he us'd his Siſter ill, King *Roger* took her back, and ſent her to *Sicily*, together with her Son *Robert*; at the ſame time he declar'd War againſt the Count, took *Avellino* and *Mercogliano*, and beſides, *Richard* the Brother of *Rainulphus*, who had ſpoken indiſcreetly of him, falling into his Hands, he order'd his Eyes to be put out, and his Noſe to be cut off. To *Rainulphus*, *Robert* Prince of *Capua* joyn'd, as not well pleas'd with the King's Proceedings, who avowedly reſolv'd to take his

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[1] Chron. Caſſ. lib. 4. cap. 97.

Principality from him, of which he got *Anaclet* to give him the Inveſtiture, though *Robert* was in Poſſeſſion of it. *Sergius* Duke of *Naples*, for the ſame Reaſons, entertain'd the ſame Jealouſy, who, though while the King was in *Salerno*, after the Victory he had obtain'd over the *Amalphitans* (if we can give Credit to the Abbot of *Teleſe*, for the Archbiſhop *Romualdus*, and *Falcon* of *Benevento*, mention no ſuch thing at this Time) terrified at his Power, and great Bravery, came and ſubjected the City of *Naples* to his Dominion; nevertheleſs this Submiſſion, if there was any ſuch, took no Effect, for afterwards he reſolv'd with all his Might, to maintain the Freedom of his City, and was a bitter Enemy to *Roger*, and aſſociated himſelf with *Robert* and *Rainulphus* in the Intereſt of *Innocent*; and theſe Three, not content with having entered into this League, likewiſe ſtirr'd up many Cities of *Puglia* to revolt, and drew in with them many Barons, who took up Arms againſt their own Sovereign, and put every thing in Confuſion on this ſide of the *Fare*. And the Boldneſs of theſe Conſpirators increas'd, when they underſtood that *Lothaire* and *Innocent* this Year 1133, had enter'd *Italy* and were come to *Rome*, upon which they made ready for a new, and more vigorous Expedition againſt *Roger*; and to facilitate the Undertaking, Prince *Robert*, Count *Rainulphus*, and many other Barons of theſe Provinces, and a Multitude of other People went to *Rome* to drive *Roger* quite out of *Puglia*.

LOTHAIRE was crown'd at *Rome* by *Innocent*, in the Month of *June* in the Year 1133, with great Pomp, at which Solemnity many Dukes, Marquiſſes and other Barons of *Italy* were preſent, at whoſe Deſire *Lothaire*, as his Predeceſſors were wont to do in *Roncaglia*, eſtabliſh'd ſome Feudal Laws, and after *Conrad the Salick*, was the ſecond that publiſh'd written Laws concerning Fiefs; and at this Time he confirm'd the famous Law of *Conrad*, about the Succeſſion of Nephews and Brothers, of which we have made mention in the preceding Books, and exactly as we ſee it regiſtred in the ſecond Book of Fiefs [1], which was falſly attributed to *Lothaire* I. by *Molineus* and *Pelligrinus*, and what gave occaſion to the Miſtake, was the Careleſneſs of the Printers, who in place of *Innocent*'s Name, had put that of *Eugen*, which the wiſe *Cujacius* obſerv'd. The moſt accurate *Pellegrinus* ought not to have queſtion'd, that this Conſtitution was *Lothaire*'s, for the Inſcription is thus read; *Conſtitutiones Feudales Domini Lotarii Imperatoris, quas ante Januam B. Petri in Civitate Romana condidit*; as if *Lothaire* could not have eſtabliſh'd this Law *ante januam B. Petri*, becauſe *Otho Friſingenſis* [2] writes, that the Palace of St. *Peter* was then in the Poſſeſſion of *Anaclet*; for, either the Inſcription may have been vitiated, and the Word *Eugen* put for *Innocent*, or even 'tis not improbable, that *Anaclet* may have permitted *Lothaire* to do it, ſince it was a Matter indifferent; and the rather, that we read in grave Writers [3], that *Lothaire* was no ſooner come to *Rome*, than he ſent ſome prudent and religious Men to treat with *Anaclet*, in order to remove ſo grievous a Schiſm, during which Time he might well perform this Solemnity before the Gate of St. *Peter*'s Palace.

ANDREA D'ISERNIA was no leſs miſtaken in this Matter, who, on good Grounds, finding that theſe Conſtitutions could not bind theſe our Provinces, which had been intirely diſmember'd from the Empire by *Roger*, could not imagine that among the Deputies of the other Cities of *Italy*, ſuch as of *Milan*, *Pavia*, *Cremona*, *Mantua*, *Verona*, *Triviggi*, *Padua*, *Vicenza*, *Parma*, *Lucca* and *Piſa*, thoſe alſo of the City of *Siponto* were preſent, as we read in that Conſtitution; for that City was then ſubject to *Roger*; ſo that he conjectur'd, either that the Place had been vitiated, and inſtead of *Syponti*, it ought to be read *Senarum*, or (which ought to be pardon'd in that rude Age in which he wrote) that there was another City in *Lombardy* or *Tuſcany* nam'd *Siponto*. For it was no ſtrange Thing for the Deputies of *Siponto* to be preſent, though this Meeting was held after theſe Provinces were ſeparated from the Empire by *Roger*, who being now forc'd by the Rebellion of his Barons, to abandon *Puglia*, and retire to *Sicily*, in order to aſſemble his Troops, and ſuppreſs the Rebellion; could not hinder the *Sipontines*, who were Rebels among the reſt, from going to *Rome*, eſpecially when they heard *Lothaire* was on his Way to joyn them: Neither is it any Reproach to *Roger*, that his Vaſſals were forc'd to ſubmit to a Conſtitution of his Enemy, as ſhall be related on another Occaſion.

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[1] Lib. 2. de Feud. tit. 19.

[2] Friſing. lib. 7. cap. 18.

[3] Capec. Latr. lib. 1. p. 14.

BUT all theſe warlike Preparations, and ſo many Enemies of *Roger's* joyn'd together, were not able to daunt this invincible Prince in the leaſt; for returning from *Sicily* with a powerful Army, after alternate Fortune, ſometimes loſing, ſometimes gaining, at laſt he diſpers'd his Enemies: forc'd *Lothaire* to return to *Germany* without Succeſs, oblig'd *Innocent* to retire, anew, to *Piſa*, where he celebrated another Council; cruſh'd the Pride of *Rainulphus* and *Robert*, ſuppreſs'd the Rebellion of the Barons of *Puglia*, and made the Province to ſubmit: And all this Kingdom was now under his Dominion, except *Naples*, *Benevento* and *Capua*, and the Dominions of Count *Rainulphus*; he ſtay'd a little in *Salerno*, reſolving to conquer theſe Cities, eſpecially *Naples* and *Capua*, in order to which he return'd to *Sicily* to recruit his Army.

PRINCE *Robert*, who foreſaw the Miſchief that threaten'd him, left no Stone unturn'd to prevent it; he went to *Piſa*, and made a League with the *Piſans*, from whom he got a powerful Supply of Ships and Soldiers [1]. He likewiſe brought over the *Genoeſe* and *Venetians* to joyn the *Piſans*; thence he return'd to the Principality of *Capua*, and from thence to *Naples*, where he was chearfully receiv'd by *Sergius*, and Count *Rainulphus*, who had retir'd to this City. He laid before them the League, which he had newly concluded at *Piſa*, in the Preſence of *Innocent*, with the *Piſans*, *Genoeſe* and *Venetians*, by which he had oblig'd himſelf to pay the *Piſans* Three thouſand Pounds of Silver. This News was ſo very acceptable to *Sergius* and his Confederates, that immediately without delay, they took the very Plate out of the *Churches* of *Naples* and *Capua*, made up the Sum, and ſent it preſently to the *Piſans*.

BUT while they were thus ſtrengthning their Confederacy, *Roger* with Sixty Gallies, return'd from *Sicily*, landed at *Salerno*, and immediately laid Siege to *Naples*; but this City defending itſelf with the utmoſt Bravery, he rais'd the Siege, and march'd towards *Capua*; and having taking *Nocera*, and many Caſtles in that Neighbourhood, he attack'd *Capua*, which immediately ſurrender'd [2]. The King enter'd the City, and was honourably receiv'd, and with little Oppoſition, having conquer'd the other Places of that Principality, he return'd anew, and laid cloſe Siege to *Naples*.

THUS in this Year 1135, *Roger*, after various Turns of Fortune, to his other Dominions, added the Principality of *Capua*, of which he had already got the Inveſtiture from *Anaclet*. He ſoon after inveſted his Son *Anphuſus* with it, by giving him the Standard with his own Hand, which was then the Ceremony us'd in giving Inveſtiture, therefore the *Capuans* proclaim'd *Anphuſus* their Prince, and ſwore Fealty to him. But 'tis well worthy of Obſervation, that the *Capuans* ſwore Fealty to *Anphuſus*, *Salva tamen Regis, & filii ejus Rogerii* (*Ducis Apuliæ*) *fidelitate, qui ei in Regnum ſucceſſurus erat*, as the Abbot of *Teleſe* relates; for *Roger* having united the Principality of *Capua* to his Kingdom, though he had inveſted *Anfuſus* with it, yet he would not ſuffer him to govern it independently of the Crown, himſelf, and his Son *Roger* Duke of *Puglia*, who had been declar'd his Succeſſor in the Kingdom.

ROGER, by his firſt Wife *Alberia*, Daughter of *Alphonſus* King of *Spain*, had five Sons. The firſt, who was to ſucceed in the Kingdom, and whom therefore his Father had made Duke of *Puglia*, was nam'd *Roger* [3]; but he dying before his Father in the Year 1148, made room for his younger Brothers. 'Tis ſaid that *Tancred*, who ſucceeded in the Kingdom of *Sicily*, was the Baſtard Son of this *Roger*, as ſhall be told hereafter. The ſecond was *Tancred*, to whom the Father had aſſign'd the Principality of *Bari*, or rather *Taranto*, becauſe he had not then acquir'd the Principality of *Capua*, and he alſo died before his Father, or any of his Brothers in 1144.

THE third was this *Anphuſus*, or as others call him *Alphuſus*, whence *Hieronymus Zurita* ſuppoſes, he was call'd ſo from the Name of *Alphonſus* King of *Spain*, his Grandfather by his Mother; but *Wolfgangus Latius* [4] is of Opinion, that 'tis a *Gothiſh* Name, deriv'd from *Idelfonſus*, and this from *Hildedrunzus* a *Gothiſh* Word, *a favore ſcilicet & amore fœderis*. This *Anphuſus* was created Prince of *Capua* by

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[1] Falco. Benev.

[2] Abb. Teleſin. lib. 3. cap. 27. P. Diac. lib. 4. cap. 97.

[3] Pell. in Stemm.

[4] Wolf. Lat. de migrat. gent. lib. 10.

Roger this Year 1135, who ſoon after, in 1139, having got *Naples* added to his Dominion, likewiſe made him Duke of *Naples*, according to *Pellegrinus*; but he had the ſame Fate with his other Brothers, for in the Year 1144 he died likewiſe before his Father.

THE fourth was *William* I. who, after the Death of *Anphuſus*, was by his Father created Prince of *Capua*, and Duke of *Naples*; and his other Brother *Roger* dying afterwards, he was made Duke of *Puglia* in his Place; at laſt in the Year 1151, his Father made him his Collegue in the Kingdom, and he was crown'd and declar'd Succeſſor; and accordingly on his Father's Death he ſucceeded, and for many Years held the Kingdoms of *Sicily* and *Puglia*; for *Henry* another Brother died young in his Father's Life-time, before *Roger* his elder Brother.

ROGER had other Wives, *Sibylla* a Siſter of the Duke of *Burgundy*, by whom he had no Children, that can be found in the beſt Writers; *Beatrix*, by whom he had *Conſtantia*, who being deſign'd for great Things, after various Turns of Fortune became Wife of the Emperor *Henry* IV. and brought him the famous *Frederick* II. whoſe Atchievements ſhall be the Subject of a part of this Hiſtory. And there are ſome who to theſe three Wives of *Roger* add a fourth, who they ſay was N. Siſter of *Anaclet*, of the Family of *Pier Lione*; and likewiſe a fifth nam'd *Ariolda*, a Daughter of the Count of *Marſi* [1].

BUT whilſt *Roger* kept *Naples* beſieg'd, and attack'd it by Sea, perceiving by the extraordinary Bravery of the Citizens, that it would not eaſily ſurrender, he left the Care of the Siege to his Captains, and return'd to *Salerno*, where he embark'd in his Fleet, and went to *Sicily*, in order to return the following Spring to attack it with a greater Army, as *Alexander* Abbot of St. *Salvatore della Valle Teleſia* relates, who here ends the four Books of his *Norman Latin* Hiſtory.

IN the mean time *Robert* Prince of *Capua* had gone to *Piſa* for Aſſiſtance; but he was too late, for at his Return he found *Capua* was already taken, and all his Efforts to regain it afterwards were in vain; ſo that ſeeing himſelf in a deſperate Condition, he return'd anew to *Piſa*. *Sergius* Duke of *Naples*, likewiſe ſeeing his City in ſuch Diſtreſs, and afraid he ſhould be undone if he got not immediate Relief, embark'd alſo for *Piſa*, in order to get Aſſiſtance; but not able to obtain any, return'd to *Naples* much afflicted.

BUT Prince *Robert* having found Pope *Innocent* in *Piſa*, was ſpurr'd on by him to go into *Germany*, in his own and the Pope's Name to beg Aſſiſtance of the Emperor *Lothaire*. Being arriv'd in *Germany*, he was courteouſly receiv'd by the Emperor, who ſent him preſently back to *Piſa*, and aſſur'd him that he would come into *Italy* the Year following, to rid the Church of *Rome* of the Schiſm, and to reſtore *Robert* to his Principality. In theſe Times *Bernard* Abbot of *Claravalle*, both on account of his Learning and good Life, had acquir'd a great Fame of Sanctity over all *Europe*; ſo that he was in no leſs Eſteem with the Emperor, than with Pope *Innocent*, and his Advice was of great Weight; and *Innocent* during this Schiſm had taken care to get him on his Side againſt *Anaclet*: 'Tis not to be doubted but he was one of the moſt powerful and effectual Inſtruments in favour of *Innocent*, and who taking his Part with Ardour, did him great Service. He did not fail in theſe Conjunctures to write moving and preſſing Letters to the Emperor *Lothaire*, that both as Defender and Advocate of the Church, he would go into *Italy* to cruſh the Pride of the Schiſmaticks, and take Revenge of *Roger*. And his Zeal carried him ſo far, that in one Letter which he wrote to *Lothaire*, he did not ſtick to call *Roger* an Uſurper, and that he had unjuſtly uſurp'd the Crown of *Sicily*, as *Anaclet* had the See of St. *Peter*: *Cæſaris eſt*, ſaid he to *Lothaire*, *propriam vindicare Coronam ab Uſurpatore Siculo. Ut etiam conſtat Judaicam ſobolem ſedem Petri in Chriſti occupaſſe injuriam; ſic procul dubio omnis, qui in Sicilia Regem ſe facit, contradicit Cæſari*; as if *Roger* had taken *Sicily* from the Empire of the Weſt, and *Lothaire* was to look upon himſelf as another *Octavianus Auguſtus*, with regard to all the Provinces of the World.

HOWEVER theſe Invitations were ſo powerful, that at laſt *Lothaire* was perſuaded to go a ſecond time into *Italy* with a greater Army, reſolving to ſuppreſs the Schiſm, and drive *Roger* out of theſe Provinces; therefore he wrote to *Innocent*, that on the Feſtival of St. *James* this Year 1136, he would leave *Germany* [2]. Pope *Innocent* ſent this News immediately to *Sergius* Duke of *Naples*; and Prince *Robert* with five Ships loaded with Proviſions went to relieve *Naples*, which was ſuffering a dreadful Famine, being ſo cloſely block'd up, that Proviſions could not enter at any part by Land. Prince *Robert* having aſſur'd *Sergius* and the *Neapolitans* of the Emperor's coming, return'd immediately to *Piſa*, and from thence he went to meet *Lothaire*, whom he found already on this Side of the *Alps*, on his way to *Cremona*.

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[1] Orderic. Vital. Carol. Dufreſne in Stem. ad hiſt. Comnen.

[2] Falc. Benev.

SECT. I.

Lothaire *comes a ſecond Time into* Italy, *and defeats* Roger*'s Army.*

IT was in the Month of *November* of this Year 1136, that the Emperor came to *Roncaglia* (which as we have formerly ſaid, is ſituated upon the *Po*, not far from *Placentia*[1]) and according to the Cuſtom of his Predeceſſors, call'd an Aſſembly of all the States, as well the Eccleſiaſtick, ſuch as Archbiſhops and Biſhops, as that of the Nobles, ſuch as Dukes, Marquiſes, Counts, and other Barons, and likewiſe the Magiſtrates of the Cities of *Italy*; where at their Requeſt, by a Conſtitution, he eſtabliſh'd ſome other Feodal Laws, which chiefly regard the Prohibition of alienating Fiefs. We have this Conſtitution in the ſecond Book of Fiefs[2]; and alſo in the third Book of the *Longobard* Laws[3]. Neither can *Pellegrinus*[4] himſelf deny it to be this *Lothaire*'s, which is a convincing Argument, that the Compiler of the *Longobard* Laws, join'd thereto the Conſtitutions of the Emperors as Kings of *Italy*, beginning from *Charles the Great*, down to this laſt *Lothaire* (for that of *Charles* IV. was added a long time after this Compilation) becauſe the other Emperors who held the Empire of the Weſt after *Lothaire*, and who frequently came into *Italy*, eſtabliſh'd other Laws at *Roncaglia* concerning Fiefs; the Compilers of the Feodal Cuſtoms in the Time of *Frederick* I. did not add them to the *Longobard* Laws, but to the Body of Feodal Cuſtoms, whence aroſe a new Body of Laws call'd *Feodal*, which at laſt was by *Cujacius* divided into five Books, as we ſhall ſhew in its proper Place.

ROGER had never been ſo furiouſly attack'd as now when *Lothaire* came the ſecond Time into *Italy*; in the twinkling of an Eye he loſt the fineſt Provinces of his Kingdom, ſuch as thoſe on this Side of the *Fare*; at the coming of *Lothaire* the Hopes of his Enemies increas'd, and the Malecontents grew bolder, and broke out into open Rebellion; for at firſt *Lothaire* being appriz'd of the Straits to which the City of *Naples* was reduc'd, and that the Citizens were dying in their Houſes and in the Streets of Famine, did not fail to ſend Letters and Ambaſſadors to *Sergius* and the *Neapolitans*, encouraging them to continue to defend themſelves for a ſhort time, and that he would come to their Relief. And indeed it was not long before he march'd towards *Puglia*, and being come to the River *Peſcara*, he paſs'd it, and ſubdu'd *Termoli*, with many Places of that Province; and being arriv'd in *Puglia*, took the City of *Siponto*, and ſo terrified the People of *Puglia*, and put them into ſuch a Conſternation, that all the Cities as far as *Bari*, where-ever *Lothaire* went, ſubmitted to him.

IN the mean time *Innocent* had now left *Piſa*, and gone to *Viterbo* to meet the Emperor, who, hearing of the Pope's being in that City, immediately ſent *Henry* his Son-in-Law, with three thouſand Soldiers, to bid him endeavour to conquer the Strong-holds of *Campagna di Romana*, and to reſtore the Principality of *Capua* to *Robert*, becauſe he was to march another way, in order to conquer the other Provinces of *Puglia* from *Roger*; whereupon *Innocent* with another Army came to St. *Germano*, which immediately yielded to him. From thence having march'd to *Capua*, and there being none to reſiſt him, he preſently made himſelf Maſter of that City, and reſtor'd both it and the Principality to *Robert*[5]. And afterwards he march'd to *Benevento*, where, after a ſhort Diſpute, the *Beneventans* ſurrender'd to him. From thence he went into *Puglia* in queſt of *Lothaire*, who had already taken

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[1] Otho Friſing. in Trid. lib. 2. cap. 12. Gunther, lib. 2.

[2] L. 2. tit. 52. prohib. Feud. alien. per Loth.

[3] LL. Longob. tit. ult. lib. 3.

[4] Pellegr. ad Anonym. Caſſin. A. 1135.

[5] P. Diac. lib. 4. cap. 105.

Bari, and only wanted to take its ſtrong Caſtle, which *Roger* had built, and provided with a ſtrong and brave Garriſon; but at laſt it being taken, the Emperor and *Innocent* march'd againſt *Melphis* of *Puglia*, and having beſieg'd it for ſome Time, at laſt they became Maſters of it.

IT was this Year 1137, that *Lothaire*, after taking *Puglia* from *Roger*, had a mind to create a new Duke of it, and for that end cauſ'd a Parliament to be conven'd in *Melphis*, to which he invited all the Barons of that Province, wherein he propos'd the Creation of this new Duke; and in the mean time ſent his Armies to beſiege *Salerno*. On this Occaſion there aroſe terrible Diſputes about this Creation [1]; *Innocent* pretended, that as his Predeceſſors had inveſted the *Normans* with the Dukedom of *Puglia*, ſo now when it was taken from them, he had a Right to inveſt others [2]. On the other hand, *Lothaire* pretended that theſe Provinces depending on the Empire of the Weſt, the Emperor had a Right to give the Inveſtiture of them [3], as the Emperor *Henry* had actually inveſted the *Normans* with them. The Diſpute came to ſuch a height, that had it not been for fear that *Roger* the common Enemy ſhould take Advantage of it, it would have ended in an open War. Therefore Expedients were fallen upon, whereby neither the Rights of the Empire, nor thoſe of the Church were to ſuffer any Prejudice; and it was agreed betwixt them that the new Duke ſhould be inveſted by them both [4]. *Rainulphus* Count of *Avellino*, a *Norman* by Nation, and not a *German*, as *Sigonius* believ'd [5], a Kinſman of the King's, and Son of Count *Robert*, who was deſcended from the old Count *Rainulphus*, Brother German of *Richard* I. Prince of *Capua*, was elected.

RAINULPHUS then was created Duke of *Puglia*, and receiv'd the Standard, as a Symbol of the Inveſtiture, from the Hands both of the Pope and Emperor. And *Falcon* of *Benevento* adds, that on the fifth of *September*, the ſame Pope *Innocent* anointed *Rainulphus* as Duke of *Puglia* in the Cathedral Church of *Benevento*, at which were preſent the Patriarch of *Aquileja*, many Archbiſhops, Biſhops and Abbots. Thus did *Roger*'s two moſt bitter Enemies, who had diſtinguiſh'd themſelves in Favour of *Lothaire* and the Pope, receive the Rewards of their Zeal and Labours; *Robert* was reſtor'd to the Principality of *Capua*, and *Rainulphus* was advanc'd to a higher Dignity. *Sergius* with his *Neapolitans* ſtill ſtood out the Siege of their City with unheard-of Conſtancy, in the Midſt of terrible Calamities and Want; therefore *Lothaire* and *Innocent* reſolv'd to march towards *Naples* with all their Forces, but their Armies being about *Salerno*, they had a Mind firſt to take that City, and thereafter to raiſe the Siege of *Naples*; and in the mean time they might expect the long-look'd for Succours from *Piſa*, without which that City could get no Relief by Sea, and without which they were not able to reduce *Amalphis*, and the other maritime Places in the Neighbourhood. In the Interim the *Piſans* with a hundred arm'd Veſſels, as they had promiſ'd, arriv'd moſt opportunely at *Naples*, and having landed a Reinforcement and Proviſions, which put this City out of Danger of being forc'd to ſurrender, the Emperor order'd them to ſail immediately for *Amalphis*, to reduce that City with the neighbouring Places, and accordingly they ſet ſail with forty Galleys, and took *Amalphis*, *Scala*, and *Ravello*, where they got a great Booty, and reduc'd them to the Emperor's Obedience.

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[1] Idem, lib. 4. cap. 106.

[2] Idem.

[3] Otho Frinſing. in Chron.

[4] Sigon. de Reg. Ital. lib. 11.

[5] Falc. Benev.

[6] Pellegr. in Stemm.

CHAP. II.

The Pandects found in Amalphis. *The* Roman *Juriſprudence, and the Books of* Juſtinian *reviv'd in the Academies of* Italy.

IT was upon this Occaſion, that the City of *Amalphis*, tho' it had been taken by Force, became more renown'd in the ſucceeding Ages, than all the other Cities of *Europe*; for a Citizen of *Amalphis* had found out the Mariner's Compaſs, and now on this Occaſion this ſame City had the additional Glory of the Emperor *Juſtinian*'s Pandects being found in it, which ſome believ'd, was the very ſame Copy that this Emperor had caus'd to be compil'd. The Copies of this Volume were in a manner loſt, becauſe of the many Collections of the *Baſilicæ*, and for many other Reaſons which we have mention'd in the ſeventh Book of this Hiſtory; only in *France*, as we have obſerv'd elſewhere, there were ſtill ſome Copies handed about; for we ſee that *Ivo* of *Chartres*, who flouriſh'd in the Time of *Paſchal* II. about the Year 1099, in his Letters often quotes the Laws of the Pandects [1]. But all Memory of them had been loſt in *Italy*; only, as we have ſaid, his Code, Inſtitutions and *Novellæ* were known, which was owing more to the Care of the Popes and Monks, who were then the only learn'd Men, than to any thing elſe.

INDEED we ſee many Laws of the Code quoted in the Decretals of the Popes, ſuch as thoſe of *Gregory* III. and other Popes [2]; the Inſtitutions and *Novellæ* were better known, for we have ſeen, that the famous Abbot *Deſiderius* preſerv'd the Copies of them in the Library of the Monaſtery of *Monte Caſſino*; but the Pandects, which was the fineſt Part, and contain'd the Beauty and Politeneſs of the *Roman* Laws, were little known among us. 'Tis as yet a Queſtion whether part of them was not preſerv'd in *Ravenna*. *Guido Pancirolus* [3] relates the Opinion of ſome, who believ'd that the Pandects were found in an ancient Library in *Ravenna*, and which being offer'd to *Lothaire*, he found them to be the genuine Work of the Emperor *Juſtinian*, and order'd that they ſhould be publickly explain'd in the Schools. But the ſame *Pancirolus* look'd upon the Opinion of thoſe to be better grounded, who write, that *Juſtinian*'s Code was found in *Ravenna*, and not the Pandects, which this Year 1130, on the abovemention'd Occaſion were found in *Amalphis*. This Glory then is owing to *Amalphis* not far from *Naples*, not to *Melphis* in *Puglia*, as ſome on the other Side of the *Alps* have written, who were not well acquainted with the particular Places and Cities of theſe our Provinces, therefore have often miſtaken and confounded the one City with the other; as on the other hand, they have ſaid, that the Council celebrated in *Melphis* in *Puglia*, in the Year 1059, was held in *Amalphis*. Some others, perhaps out of Love to their native Country, have not ſtuck to ſay, that the *Piſans* found them when they reliev'd *Naples*; and having taken them from the *Neapolitans*, carried them to *Piſa*: 'Tis ſtrange that *Summontes* ſhould give into this Conceit, repugnant to all Hiſtory; and *Franciſcus* hath inſerted it among other Dreams with which he ſtuff'd his Hiſtory. And a Modern Writer of *Puglia* likewiſe dream'd, that the Pandects were neither found in *Amalphis* nor *Naples*, but in *Molfetta*, for no other Reaſon but the Similitude of the Name, and that *Molfetta* was the Place of the Writer's Nativity: Thus to this very Time (as the native Countries of *Homer* and *Taſſo* are contended for) many Cities diſpute the Glory of this Invention.

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[1] Ivo Epiſt. 46, 69, &c.

[2] Cap. lator, de Pignor. where the Pope refers to l. qui filios 6. C. quæ res pignor. oblig. poſ.

[3] Pancir. de Clar. LL. Interpr. lib. 2. cap. 13.

NOT to mention the ancient Annals, thoſe who have ſeen in the Courſe of this Hiſtory how famous the *Amalphitans* were for Navigation, and their great Commerce with the Eaſtern Parts and *Greece*, which thoſe Cities that aſpir'd to this Glory had not, will think it very reaſonable, that among other Things which the *Amalphitans* brought to their City from the Eaſt, they may likewiſe have brought the Pandects, ſo rare a Book, and in which the Beauty of the *Roman* Laws was contain'd; and 'tis commonly ſaid [1], that an *Amalphitan* Merchant in a Voyage to the Eaſt bought them there, and at his Return made a Preſent of them to his native Country. Neither is it queſtion'd, but that the *Piſans*, among the other Booty which they got in *Amalphis*, found the Pandects, and that as a Reward for the Trouble they had been at in this Expedition, they only begg'd this of the Emperor *Lothaire*, who willingly granted their Requeſt; ſo that being carried by them to *Piſa*, they got the Name of *Pandectæ Piſanæ*, which Name they had little leſs than three Centuries, till the Year 1416, when the War broke out betwixt the *Piſans* and *Florentines*: *Guido Caponio*, a *Florentine* Captain, having beſieg'd and taken *Piſa*, and found the Pandects, as a great Part of his Triumph carried them to *Florence*, where, with great Veneration, and as a Thing of vaſt Value, they are now preſerv'd in the Library of the *Medici*, divided into two Tomes; ſo that tho' formerly they were call'd *Piſanæ*, they are ſince call'd *Florentinæ*. *Plotius Grifus*, and *Rainerus Grachaia* a *Piſan*, and a moſt ancient Hiſtorian, who wrote *de Bello Tuſco*, more than 300 Years ago, confirm the ſame; and *Plotius* tells us, that he had in his Cuſtody an ancient Inſtrument of this Donation which *Lothaire* made of the *Amalphitan* Pandects to the *Piſans*. See *Sigonius* [2], *Raphael Volteranus*, *Angelus Politianus* [3], *Antonio Gatto* [4], *Franceſco Taurello* [5], *Arthurus Duck* [6], and all other Writers, down to *Burcardus Struvius* [7], who is the laſt of the Moderns that confirms it.

THO' *Lothaire* had yielded a Thing of ſo great Value to the *Piſans*, yet being a learn'd Prince, and eſpecially a prudent Law-giver, he did not fail to look into the Pandects, and perceiving that the Beauty of the *Roman* Laws was contain'd in them, reſolv'd that they ſhould no longer remain in Darkneſs, but be brought to light for the Benefit of Mankind. There is a great Diſpute betwixt thoſe of *Bologna* and other Writers, whether *Lothaire* eſtabliſh'd by an Edict, that the Pandects ſhould be publickly read in *Bologna*, or that they ſhould be taught there with the other Books of *Juſtinian*, by *Irnerius* for private Uſe. The Doctors of *Bologna* ſay, that *Lothaire* order'd *Irnerius*, who read Philoſophy in *Bologna*, to explain them publickly, which he began to do in the Year 1128, but then the Pandects had not been found in *Amalphis*. *Conradus Uſpergenſis* after having related the Hiſtory of *Lothaire*, ſays, that *Irnerius* explain'd them at the Deſire of the Counteſs *Mathilda*; and in the Arguments of the Hiſtory of *Bologna*, which are attributed to *Carolus Sigonius*, we read, that the Counteſs *Mathilda* had order'd *Irnerius* in the Year 1102, to explain the Pandects, and that he there made the firſt Gloſſes on them. But *Burcardus Struvius* [8] looks upon what *Conrade* relates of the Counteſs *Mathilda*'s having impos'd this Task on *Irnerius*, in the Reign of *Lothaire*, as fabulous; for 'tis certain, that *Mathilda* died in the Year 1115, before *Lothaire* was Emperor; and the ſame *Sigonius* likewiſe confutes what *Conrade* ſays, for the ſame Reaſon [9]. Whence *Struvius* believes, that thoſe Arguments which we read at the End of the Hiſtory of *Bologna*, could never be the Work of *Sigonius*, who in his Hiſtory of the Kingdom of *Italy*, plainly aſſerts the contrary, and checks *Conrade* who wrote it.

THEREFORE the moſt grave Authors condemn theſe Accounts as fabulous, and tell us, that *Irnerius* never explain'd the Books of *Juſtinian* in the School of *Bologna*, neither by the Authority of the Counteſs *Mathilda*, nor the Command of *Lothaire*, but for his private Study, and to pleaſe his own Ambition.

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[1] Copece latr. lib. 1. hiſt. p. 35.

[2] Sigon. de Regn. Ital. lib. 11. p. 270.

[3] Polit. Miſcel. cap. 41.

[4] Ant. Gat. hiſt. Gymnas Picin. c. 2. p. 92.

[5] Taurel. in Præfat. PP. Flor.

[6] Arth. lib. 3. cap. 5. num. 13.

[7] Struv. hiſt. Jur. Juſt. reſtau. c. 5. §. 8.

[8] Idem, §. 10.

[9] Sigon. de Regn. Ital. lib. 12. p. 272. In eo tamen aperte falſus, quod Matildis rogatu id ſuſcepiſſe muneris ait, quæ multo ante Lotharii Imp. e vita migravit.

IRNERIUS in theſe Times, when the Juriſprudence and other Learning began to revive, was look'd upon as one of the beſt Lawyers. *Germany*, *Milan* and *Florence*, all lay claim to him as their Country-man; he firſt apply'd himſelf to the Study of Philoſophy and Humanity, ſuch as they were in theſe Times, and 'tis thought he made a Voyage to the *Levant*, and ſtudied in *Conſtantinople*; from thence he return'd to *Ravenna*, where he taught and acquir'd the Reputation of a Man of great Learning. But afterwards he left *Ravenna*, and was invited to *Bologna*, where he taught Philoſophy. There had been a School eſtabliſh'd in *Bologna*, in which the Juriſprudence was taught, whereof *Pepo* was a Profeſſor; and there having ariſen a Diſpute among the Profeſſors about the Word *As*, ſignifying Twelve Ounces, *Irnerius* thereupon apply'd himſelf to the Study of *Juſtinian*'s Books, and became ſo famous a Profeſſor of Law, that he eclips'd the Fame of *Pepo*. He ſtudied *Juſtinian*'s Code, Inſtitutions and *Novellæ*, and theſe laſt he adapted to the Laws of the Code, in order to ſhew wherein the latter differ'd from the former; he likewiſe made his firſt Gloſſes on theſe Books; and he was the firſt, who in the Year 1128, commented on the *Roman* Laws. Thoſe who write that in this Year there had been another Copy of the Digeſts found in *Ravenna*, beſides that, which was handed about in *France*, ſay, that *Irnerius* before the Pandects were found in *Amalphis* (which *Angelus Politianus*[1] believ'd to be *Juſtinian*'s own Copy, notwithſtanding the Diſſent of *Andreas Alciatus*[2], and *Antonius Auguſtinus*[3], though 'tis certain that all other Copies are taken from it, as being the moſt antient[4]) imploy'd his Labour likewiſe on the Digeſts, and taught them in *Bologna* with the other Books of *Juſtinian*, where he made his firſt Comments. But others, who deny that, and ſay, that the firſt Copies of the Pandects that appear'd in *Italy*, were taken from thoſe of *Amalphis*, maintain, that *Irnerius* explain'd the Digeſts in that Academy after they had been found in *Amalphis*, but not by the Command of the Emperor *Lothaire*, but for his own private Study, as he had before explain'd the other Books of *Juſtinian*, and other Learning, without the Emperor's Order. Neither had that Academy been inſtituted in theſe Times by *Lothaire*, nor do we read, that he commanded the Books of *Juſtinian* to be explain'd and taught there, as *Fredericus Lindenbrogius* affirms[5]; and *Hermanus Conringius*[6] ſubjoyns, that if *Lothaire* had commanded ſuch a Thing, and had had the School of *Bologna* ſo much at Heart, when the Pandects were found in *Amalphis*, he would have made a Preſent of them to the Profeſſors of *Bologna*, and not to the *Piſans*.

BUT though we read no particular Edict of *Lothaire* concerning this Matter, yet 'tis not to be doubted, but that this Prince favour'd thoſe Studies, and that the School of *Bologna* flouriſh'd more in his Time than formerly, for *Irnerius* had made a prodigious Progreſs in the *Roman* Laws; ſo that thoſe Studies came to be cultivated and promoted, and many applied themſelves to them, inſomuch, that the School of *Irnerius* produc'd able Doctors, who either by their Pleading, or their written Comments, illuſtrated the Laws of *Juſtinian*, and excited not only the Academy of *Bologna*, but alſo all the other Academies of *Italy* to ſtudy them. Whence aroſe *Martinus* of *Cremona*: *Bulgarus*, who in the Time of *Frederick Barbaroſſa* was ſo famous in *Bologna*: *Hugo* and *Jacobus Ugolinus*, *Roger*, *Otho*, and *Placentius*, who were ſo renown'd in the Academy of *Montpelier* in *France*; a Diſciple of *Bulgarus*, nam'd *Pileus*, who was famous in *Bologna* and *Modena*, for his *Quæſtiones Sabbathinæ*; *Albericus* of *Ravenna*, and his Diſciple *Azon*, who was the chief Lawyer of his Age, and Maſter of our *Roffredo Beneventano*, *Balduino*, and many others.

'TIS generally believ'd that from the Books of *Juſtinian* being thus revived in the Academies of *Italy*, and from the School of *Irnerius*, the Solemnities practiſ'd afterwards in creating of Doctors had their Riſe, which are attributed to *Irnerius*, who, by the Authority of *Lothaire*, beſtow'd the Degree of Doctor on the Profeſſors, and 'tis ſaid, that he was the firſt who declar'd *Bulgarus*, *Ugolinus*, *Martinus* and *Pileus*[7] Doctors. And *Acerbus Morena*[8] relates, that *Irnerius* being on his Death-bed, his Scholars accoſted him, and ask'd, whom he would recommend to be their Maſter after his Death, to whom he nam'd *Bulgarus*, *Martinus*, and *Hugo*, but they choſe *Jacobus*, and made him their Doctor. But *Itterius* [1], and *Conringius* [2] reckon, that the Solemnity of conferring the Degree of Doctor in Academies, took its Riſe from the *French*, from whom the *Italians* had it.

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[1] Polit. lib. 10. Ep. 14.

[2] Alciat. diſpunct. lib. 3. cap. 12.

[3] Auguſt. Emendat. lib. 1. c. 1.

[4] Struv. hiſt. jur. cap. 5. §. 10.

[5] Lindenbrog. in Prolegom. in Cod. LL. Antiq.

[6] Conring. de Orig. Jur. Germ. cap. 21.

[7] V. Itterum de Gradib. Academicis, cap. 3. §. 9.

[8] Morena de reb. Laudenſ. apud Leibnittum, tom. 1. pag. 118.

SIGONIUS [3], *Arthur Duck* [4], and others believ'd, that *Lothaire*, beſides having commanded the Books of *Juſtinian* to be read in the publick Academies, order'd them to be pleaded in the Tribunals, and the Judges to neglect the *Longobard* Laws, and give Judgment according to them. But their Opinion has no Foundation in Hiſtory, for we read of no Edict of *Lothaire*'s commanding it, which would have been neceſſary, and there is not a Contemporary Hiſtorian that mentions it; ſo that the graveſt Writers [5], and *Lindebrogius* [6] at large, confute their Error. What clearly convinceth us of the contrary, is, that the *Longobard* Laws were kept up in *Italy*, and eſpecially in theſe our Provinces long afterwards; and according to them, Law Pleas were decided in the Tribunals, only the *Roman* Law was by Tradition obſerv'd amongſt the Country People; neither in thoſe Times were the Books of *Juſtinian* quoted, for they had not as yet acquir'd any Authority in the Courts, as by degrees they afterwards did, rather by Cuſtom and the Dint of Reaſon, than by the Law of any Prince.

BUT if there ever had been a Law for that Purpoſe, 'tis ſure, it could have been of no Force in our Provinces, that were under the Dominion of *Roger*, *Lothaire*'s Enemy. *Roger*, as we ſhall ſee anon, ſoon recover'd all theſe Provinces which *Lothaire* had invaded, and overcame all his Enemies, and re-united the Provinces to his Kingdom of *Sicily*, and eſtabliſh'd it in the Form of a true Monarchy, which obey'd no other Laws but thoſe of the *Longobards*, and what others he made afterwards. And this was not only during the Empire of *Lothaire*, and his own Reign, but likewiſe continu'd in the Times of the *Norman* Kings his Succeſſors, who being ſtill at War with *Conrade*, and *Frederick* I. who ſucceeded *Lothaire*, never allow'd their Laws to be obſerv'd in theſe Provinces; and in Fact, as ſhall be ſeen by and by, Law Pleas were not decided by the *Roman* Laws contain'd in thoſe Books, but by the *Longobard*, and the *Roman* Laws, which by way of Tradition, were retain'd by theſe People. Neither was there with us any Opportunity of reading theſe Books in our publick Schools, for till the Time of *Frederick* II. a a great Favourer of Learning, and who introduc'd it into *Naples*, we had no Academies, and it was not till later Times, we being the laſt in following the Example of the other Cities of *Italy*, that the Study of thoſe Books began in theſe Provinces, and they were quoted in the Courts more through Strength of Reaſon, than as Laws, as will be ſeen in the Courſe of this Hiſtory.

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[1] Itter. Loc. cit. cap. 4. §. 25.

[2] Conring. de Antiquitate Acad. diſſ. 14. p. 134.

[3] Sigon. de Reg. Ital. lib. 11.

[4] Arth. de uſu & author. Juris Civ. l. 1. c. 14.

[5] V. Struv. Hiſt. Jur. Juſt. reſtaur. cap. 5. §. 10. Stokmans Deciſ. 1. num. 18.

[6] Linden. loc. cit.

CHAP. III.

King Roger *proſecutes the War againſt* Innocent. Anaclet *dies; and ſoon after the Emperor* Lothaire, *and* Rainulphus *Duke of* Puglia *likewiſe dye.* Roger *recovers the Cities which he had loſt; and all theſe Provinces with the Dukedom of* Naples, *ſubmit to his Dominion.* Innocent *is made Priſoner, and Peace concluded betwixt him and King* Roger, *to whom he grants the Inveſtiture of the Kingdom.*

AMALPHIS and the neighbouring Places being taken by the *Piſans*, *Lothaire* order'd them to ſail to *Salerno*, and call'd Duke *Sergius* from *Naples*, and Prince *Robert* from *Capua*, to go on the ſame Expedition, and ſent Duke *Rainulphus* with a Thouſand *Germans*; all which being join'd, they laid cloſe Siege to *Salerno*.

THIS City was defended by *Robert*, King *Roger*'s Chancellor, without any other Troops but only Four hundred Soldiers, with ſome Barons of the neighbouring Caſtles; but the Fidelity and the Love of the *Salernitans* to *Roger*, ſupplied the want of a ſtrong Garriſon; theſe People who had been long under the Dominion of this King, were moſt faithful to him. To this was added, their Gratitude for the many Favours which they had receiv'd from this Prince, who lov'd and valu'd them above all his other Subjects, and amongſt all the other Cities of this Kingdom, he had choſen *Salerno* for the Reſidence of his Court; and as in *Sicily* he had fix'd his Abode in *Palermo*, ſo when his Affairs call'd him into theſe Provinces, he kept his Court in *Salerno*. Therefore they defended themſelves againſt the Beſiegers with much Bravery, inſomuch that the *Piſans* having Proof of their Courage, in order to get the better of their Reſolution, caus'd a Machine to be made for making a Breach in the Walls of the City, which ſo terrified the *Salernitans*, that they began to deſpair of being able to defend it any longer; and when the Pope and Emperor came to the Siege, they ſent Meſſengers to the Emperor, and ſubmitted to him, on Condition, that the foreign Soldiers ſhould have leave to go whither they thought fit, whereupon ſome went away, and others with the Barons and Captains, retir'd into the Caſtle of the City, and maintain'd it gallantly for their Maſter. The *Piſans* underſtanding that the *Salernitans* had ſurrender'd to the Emperor, and had been receiv'd by him without communicating the Matter to them, highly incens'd at ſuch a Contempt, immediately burnt the Machines, which they had made for taking *Salerno*, and made ready their Veſſels in order to return to *Piſa*; and they would actually have been gone, had it not been for the Pope, who much valu'd their Alliance, and who with Intreaties and large Promiſes, ſtopp'd them; but this Diſcord prevented the taking of the Caſtle, which therefore continu'd to be at *Roger*'s Devotion.

THE taking of *Salerno* occaſion'd greater Diſcord betwixt the Emperor and *Innocent*, who pretended that this City belong'd to the Church of *Rome*, and though hitherto it was not known by what particular Right, nevertheleſs it was known that *Gregory* VII. would on no account inveſt *Roger*, nor any of his Succeſſors with it, becauſe of the

Claim of the Apoſtolick See to this City; but *Lothaire* ſtrongly oppoſing ſuch a Claim, made *Innocent* to yield [1], for this cunning Pope was unwilling to break with him, leſt *Roger* ſhould take advantage of it. However *Innocent* was highly offended, and the Bond of Friendſhip which had united them hitherto, began to ſlacken.

AT laſt (thinking their Expedition was over) *Innocent* and *Lothaire* left theſe our Provinces, and the Emperor leaving *Rainulphus* his General, with many other Officers, to oppoſe *Roger*, and maintain the Conqueſts he had made, went with the Pope to *Rome*, and from thence by the way of *Tuſcany* march'd ſtraight for *Germany* [2]. But *Roger*, who all this Time had given way to the Fury of ſo many Storms, was waiting an Opportunity to recover all he had loſt, and as ſoon as he heard that *Lothaire* had left *Campagna*, he aſſembled a great Army in *Sicily*; and hearing that he was in *Rome* on his way to *Germany*, in all haſte ſail'd for *Salerno*, where he landed his Army [3]. This City preſently ſurrender'd to its old Maſter, and from thence he went to *Nocera*, which with all the Towns in the Neighbourhood belonging to *Rainulphus*, immediately ſubmitted to him. He afterwards march'd to *Capua*, and being furiouſly inrag'd at Prince *Robert*, who had been the chief Inſtrument of *Lothaire*'s coming into *Italy*, he took it by Force, and it ſuffer'd a terrible Pillage. From thence with his victorious Army he march'd to *Avellino*, and after taking this City with all the Places round it, he advanc'd to *Benevento*. The *Beneventans* being terrified at *Roger*'s Succeſs, likewiſe ſubmitted to him, and quitting the Party of *Innocent*, to whom they had ſworn Fealty a little before, in order to pleaſe the King, they ſided with *Anaclet*. *Roger* from *Benevento*, march'd to *Monte Sarchio*, which preſently yielded; from thence entering into *Puglia*, with much Bravery he ſubjected many Cities of it. Duke *Rainulphus* hearing that *Roger* was come into *Puglia*, aſſembled 1500 gallant Soldiers which he drew out of *Bari*, *Trani*, *Melphis* and *Troja*, with whom he march'd againſt *Roger*, being reſolv'd rather to die with his Sword in his Hand, than baſely to ſubmit to his Enemy.

IN the mean time *Innocent* was appriz'd of *Roger*'s Progreſs, and the Emperor being at a Diſtance, he knew there was no great ſtreſs to be laid on Duke *Rainulphus*, nor the Emperor's Officers, therefore he reſolv'd to ſend *Bernard* Abbot of *Claravalle*, to the King, with a Commiſſion to treat of Peace, and reconcile the King and the Duke; but *Bernard*, who in theſe Times was in great Eſteem, both for his Learning and holy Life, not ſucceeding, the King and the Duke came to a Battle, which was gallantly fought, and *Roger* came off with Loſs; but not minding this Defeat, he retir'd to *Salerno*, where he recruited his Army, in order to invade *Puglia* anew. However the Abbot of *Clavaralle* continued to treat with the King about a Peace betwixt him and the Pope, and at laſt he obtain'd, that *Innocent* ſhould ſend three Cardinals, and *Anaclet* as many, to lay both their Claims before him, and then he would determine what he ſhould think moſt equitable. Accordingly *Innocent* ſent Cardinal *Aimerico* Chancellor of the holy Church, and Cardinal *Gherardo*, both of them Men of great Reputation, and the Abbot *Bernard*; and *Anaclet* likewiſe ſent three of his Cardinals, to wit, *Matteo* his Chancellor, *Gregorio*, and *Pietro Piſano*, a Man in theſe Times look'd upon to be very eloquent, learn'd and well skill'd in the Holy Scriptures [4]. When they came to *Salerno*, the King heard them for ſeveral Days, and then conven'd all the *Salernitan* Clergy, and a good Number of his own People, with the Archbiſhop *William*, and the Abbots of the Monaſteries, and took the Matter into Deliberation, and after canvaſſing it throughly, *Roger* fell on Means to prolong, and, according to *Falcon* of *Benevento*, ſpin out the Time of the Meeting, in order to amuſe *Innocent*, and Duke *Rainulphus* by this Treaty, that in the mean Time he might make up the Loſſes he had ſuſtain'd, and draw together a new Army. The Abbot of *Bonavalle*, and Cardinal *Baronius* relate the Fact otherwiſe than *Falcon*, who was a Contemporary Author. They ſay that *Bernard* and *Pietro Piſano* only treated about this Accommodation with *Roger*, and though *Pietro* was convinc'd by *Bernard*'s Reaſons, yet the King obſtinately refuſ'd to agree with *Innocent*, inſomuch that he oblig'd the Abbot of *Claravalle* to leave *Salerno*, and return to *Rome*. However that may be, *Roger* without coming to any Concluſion, departed, and imbark'd in his Fleet for *Sicily*, in order to return into *Puglia* with a greater Army.

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[1] P. Diac. lib. 4. cap. 117. Quæ res inter Pontificem, & Cæſarem diſſentionem maximam miniſtravit, Papa dicente, Salernitanam Civitatem Romanæ Eccleſiæ attinere; Imperatore, è contra, non Pontifici, ſed Imperatori pertinere debere, dicente.

[2] P. Diac. lib. 4. cap. 126.

[3] Falc. Ben. Audiens Rex Rogerius Imperatorem viam redeundi arripuiſſe, exercitu convocato, Salernum venit.

[4] Sigon. de Regn. Italiæ, lib 12. Inſigni pro ea tempora eloquentia, ſingularique doctrina.

BUT while he was in *Sicily*, *Anaclet* very opportunely died in *Rome* the ſeventh Day of *January* this Year 1138, whoſe Death put an end to this Schiſm that had diſturb'd the Church for eight Years. The Sons of *Peter Leo*, and the other Adherents of *Anaclet*, inform'd the King of the Death of their Pope, and ask'd his Advice whether it was proper to chuſe a Succeſſor. *Roger*, whoſe Buſineſs was to keep up the Faction, in order to ſuppreſs *Innocent*'s Party, order'd a Succeſſor to be immediately choſen; and accordingly *Anaclet*'s Party join'd together, and elected *Gregorio Romano* Cardinal of the Holy Apoſtles, to whom they gave the Name of *Victor* IV. But ſuch was the Diligence of the Abbot *Bernard*, that by his Perſuaſion, both *Victor* and the Cardinals that had elected him, ſubmitted to *Innocent*; and *Victor* having ſtripp'd himſelf of the Papal Ornaments, laid them at his Feet, which put an end to the Schiſm [1]: Whereupon the *Romans* were ſo well pleaſ'd with *Bernard*, that to do him Honour, they gave him the Name of Father of their Country; but he was ſo Self-denying, and had ſuch an Averſion for the Honours of this World, that he left *Rome*, and return'd to his Monaſtery of *Claravalle* in *France*. *Petrus Diaconus* [2], who here ends his Addition to the Chronicle of *Leo Oſtienſis*, relates the Story otherwiſe; he ſays, that *Innocent* brib'd the Sons of *Peter Leo* and their Adherents, and brought them over to his Party; ſo that the Cardinals that had elected *Victor*, deſtitute of all Aſſiſtance, out of cruel Neceſſity ſubmitted to *Innocent*. Even taking this for granted, there are ſome who free him of the Crime of Simony, ſuch as the Abbot *de Nuce*, by alledging ſome other the like Examples.

INNOCENT ſeeing the Affairs of *Rome* thus ſettled, and all Diſcord at an end, bent all his Thoughts on the War of *Puglia* againſt *Roger*; for which end he went to *Albano*, and aſſembled a great Army to join Duke *Rainulphus*: On the other hand the King having likewiſe aſſembled his Troops, paſs'd over from *Sicily* to *Puglia*, in order to ſubject the reſt of the Cities of that Province to his Dominion. Duke *Rainulphus* did not fail to oppoſe him, but in vain, ſo that the King was fully reſolv'd to beſiege *Melphis*, but it was ſo well defended, that he could not take it, but all the Caſtles in the Neighbourhood ſubmitted to him, after which he return'd to *Salerno*, and from thence went anew to *Sicily*.

THIS ſame Year 1138, the Emperor *Lothaire* died in the *Valle di Trento*; a Prince, who beſides his military Qualifications, and many Virtues, was a great Encourager of Learning and Juſtice, and deſerves to be extoll'd above all others, for having in his Time reſtor'd the Splendor of the *Roman* Laws in *Italy*, and allow'd them to be taught in the publick Academies there. Which was the Cauſe that in proceſs of Time they afterwards recover'd ſo much Authority, and became ſo reſplendent, that they eclips'd all the Laws of other Nations, and deſervedly have the firſt Rank in all Academies, and by them the moſt knowing Part of the World is guided. And above all other Princes he deſerves immortal Praiſe from all Lovers of the Civil Law.

THERE aroſe terrible Diſputes amongſt the Electors of the Empire about the Election of a Succeſſor. *Conrade* Duke of *Suevia*, *Lothaire*'s Nephew, and *Henry* Duke of *Bavaria*, his Son-in-Law, ſet up for it; but at laſt *Henry* being excluded, *Conrade* was rais'd to that ſublime Dignity, and was acknowledg'd as Emperor by the Dukes, Princes, Marquiſes, and all the Great Men of the Empire; for the Right of electing was not as yet confin'd to Seven only, as it was afterwards [3].

ON the other hand *Innocent*, who had nothing ſo much at Heart, as to ſuppreſs *Roger*'s Party, in the Beginning of the Year 1139 conven'd a Council in *Rome*, and excommunicated *Roger*, and all thoſe who had been of *Anaclet*'s Faction [4]. But not long after *Innocent* receiv'd a terrible Blow; for on the laſt Day of *April* the Count of *Avellino* and Duke of *Puglia*, who had harraſs'd the King his Brother-in-Law with a cruel and continual War, was taken ill and died in *Troja*, and was buried in the Cathedral Church of that City, and much lamented by the Biſhop *William* and the Citizens.

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[1] Falc. Benev. ad A. 1138. Vita S. Bernardi.

[2] Lib. 4. cap. ult.

[3] P. Diac. lib. 4. cap. 127.

[4] Falc. Benev. A. 1139 Otho Friſingenſ.

THE welcome News of the Count's Death coming to King *Roger*, he look'd upon the War as at an end; ſo that having immediately aſſembled his Army, he croſs'd over to *Salerno* [1], conven'd all the Barons that were in his Intereſt, and went to *Benevento*, from whence he march'd and took many Places belonging to the Count of *Ariano*, who fled to *Troja*, and thereafter he ſubjected all the Cities and Caſtles of the *Capitanata*. The King, as we have ſaid, had ſeveral Sons by his firſt Wife *Alberia*, of which *Roger* was the Eldeſt, therefore he created him Duke of *Puglia*; he ſtriving to imitate the Bravery of his Father, who had gone to the Siege of *Troja*, ſubdu'd all the other Places of *Puglia*, both Inland and Maritime [2]; only *Bari*, which was gallantly defended by the Prince *Giaquinto*, held out; ſo that deſpairing to force it to ſurrender, he reſolv'd to go and join his Father, who was encamp'd round the City of *Troja*. This City was defended by the Count of *Ariano*, who had gone thither with a good Body of Troops, and defended it ſo obſtinately, that the King was oblig'd to raiſe the Siege, and join'd his Son, and march'd to *Ariano*, where he prepar'd many Machines in order to take it.

IN the mean time Pope *Innocent* hearing the ſad News of the Death of Duke *Rainulphus*, and the proſperous Succeſs of the King in *Puglia*, unwilling to leave theſe Places without Troops, conven'd his Army, and putting himſelf at the Head of it, left *Rome*, and march'd to St. *Germano*. *Roger*, by this Expedition of *Innocent*'s, being diverted in the Midſt of his good Fortune, endeavour'd, rather than to come to a Battle with him, to ſoften him by Propoſals of Peace, for which end he ſent Ambaſſadors, offering to be at his Devotion. The Ambaſſadors were courteouſly receiv'd by *Innocent*, who ſent two Cardinals to *Roger*, inviting him to come to St. *Germano* in order to conclude a ſolid Peace. The King had then return'd to the Siege of *Troja*, and having receiv'd the Cardinals with much Reſpect, rais'd the Siege, and with the Duke his Son went immediately to St. *Germano*; they continu'd to treat about this Affair for the Space of eight Days [3]; but *Innocent* being obſtinately reſolv'd to have the Principality of *Capua* reſtor'd to Prince *Robert*, to which the King by no means would conſent, the Treaty was broke off, and the King left St. *Germano*. The Pope hearing of his Departure, march'd with his Army to *Caſtello di Galluccio*, and laid cloſe Siege to it, which the King preſently getting Notice of, return'd in all haſte, and on a ſudden arriv'd at St. *Germano*; the Pope, and Prince *Robert*, who was with him, being catch'd napping, were ſo terrified, that without any Delay, they rais'd the Siege of *Caſtello di Galluccio*, in order to ſhelter themſelves in ſome ſecure Place; but the King immediately ſent his Son the Duke of *Puglia*, with a thouſand brave Soldiers, to lie in wait and attack the Pope on his March. Which Project ſucceeded ſo well, that the Pope's Army was defeated and put to flight, and *Innocent* himſelf, to his great Reproach and Shame, with his Chancellor *Almerico*, many Cardinals, and other Men of Note, were carried Priſoners to the King, only *Robert* Prince of *Capua* made his Eſcape; the victorious Soldiers plunder'd the Pope's rich Baggage, and found a great Sum of Money.

IN this unlucky manner have all the Expeditions of the Popes againſt our Princes terminated, and ſuch has always been the Fruits of their laying aſide their own Character, and taking upon them that of Secular Princes, by marching at the the Head of Armies, with a Helmet in the Place of the *Tiara* *, and a *Cuiraſs* inſtead of a Stole and Dalmatick.

* Triple Crown.

THIS remarkable Event fell out on the Twenty-firſt of *July* in the Year 1139 [4], as the moſt exact *Pellegrinus* [5] well proves, contrary to what *Baronius* and *D. Franciſco Capecelatro* have written, who, not underſtanding this Place in *Falcon*, writes that *Innocent* was made Priſoner on the tenth of this Month. Neither muſt we omit in this Place to ſay, with the ſame *Capecelatro*, who is the moſt exact Writer of the Hiſtory of the *Norman* Kings, of all the Moderns, that thoſe who write that *Innocent*'s Defeat and Impriſonment happen'd in the Beginning of his Reign, and was the Cauſe of the Schiſm, are groſly miſtaken; for the Contemporary Authors, and thoſe who ſhortly after have tranſmitted theſe Facts to Poſterity, place them in this Year, and in the manner we have related, ſuch as the Chronicle of *Falcon*, a moſt ancient

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[1] Falc. Benev.

[2] P. Diac. lib. 4. cap. 129. Præter Barum, Trojam, atque Neapolim, omni Terram quam facile amiſerat, facilius cœpit recuperare.

[3] Falc. Benev.

[4] Idem. A. 1139.

[5] Pellegr. in Caſtig. ad Falc. Ben. A. 1130.

Writer of *Benevento*, the Anonymous *Caſſinenſis*, the Hiſtories of Archbiſhop *Romualdo*, and of *Otho Friſingenſis*, and the many Letters written on this Subject by St. *Bernard* Abbot of *Claravalle*; from the Authority of ſuch grave and ancient Writers, Cardinal *Baronius*, the ſaid *Capecelatro*, and the incomparable Critick in our Affairs *Camillus Pellegrinus*, place them in this Year.

BUT the Affection of the *Normans* for the Apoſtolick See, was as flagrant in this Impriſonment of *Innocent*, as in that of *Leo*; tho' *Roger* according to the Laws of War could have treated *Innocent* in the ſame manner as he could have done any other Secular Prince that was his Priſoner; yet being ignorant of the Diſtinction of two Perſons in one Pope, he paid him all the Honours and Reſpect which are due to the Vicar of Jeſus Chriſt; he ſent Ambaſſadors to beg him Pardon, and intreat him to be reconcil'd with him. *Innocent* more overcome by this piece of Generoſity and Greatneſs of Soul in *Roger*, than by his Arms, willingly conſented to his Requeſt; and four Days after [1], on the Feaſt of St. *James*, the Peace was concluded in *Benevento*. The Pope for his Part, abſolv'd *Roger* and all his Adherents from the Excommunications he had thunder'd out againſt them; upon which the King with his Son *Roger* went and threw themſelves at his Feet, and acknowledg'd him lawful Pope, and ſwore Fealty upon the Evangels, both to him and all the Popes his Succeſſors, lawfully elected, and became their Vaſſals, by promiſing to pay the uſual Quit-Rent of 600 *Schifati* yearly, and to reſtore *Benevento*. On the other hand the Pope deliver'd him the Standard, as the Cuſtom was then, inveſted him with the Kingdom of *Sicily*, the Dukedom of *Puglia*, and the Principality of *Capua*, and acknowledg'd him King, and confirm'd him in all thoſe Honours and Dignities belonging to a King.

THIS Inveſtiture was tranſcrib'd from the Regiſters of the Library of St. *Peter* in *Rome* by Cardinal *Baronius*, and is inſerted in his Annals; in which there are many Things worthy of Obſervation. Firſt *Innocent* ſays, that he, following the Footſteps of his Predeceſſors, and having before his Eyes the Merits of *Robert Guiſcard*, and *Roger* his Father, who with ſo much Toil and Labour had extirpated the *Saracens*, implacable Enemies of the Chriſtian Name, out of *Sicily*, reckon'd them worthy of immortal Glory; therefore he confirm'd to *Roger* the Kingdom of *Sicily*, with which his Predeceſſor *Honorius* had inveſted him, with the Prerogative of King, and all other Honours and Royal Dignities; and ſubjoins the Reaſon why *Roger*, the Poſſeſſor of that Iſland, ought to be advanc'd to the Title of King, and *Sicily* made a Kingdom, becauſe that Iſland formerly had the Prerogatives of a Kingdom, and its own Kings to govern it, according to the Abbot of *Teleſe*; theſe are the Pope's Words, *Regnum Siciliæ quod utique, prout in antiquis refertur hiſtoriis, Regnum fuiſſe, non dubium eſt, tibi ab eodem Anteceſſore noſtro conceſſum cum integritate honoris Regii, & dignitate Regibus pertinente, Excellentiæ tuæ concedimus, & Apoſtolica authoritate firmamus*; by which we may ſee, that the Popes, among their other Prerogatives, look'd upon that of erecting or re-eſtabliſhing Kingdoms and Kings, to be one, and eſpecially *Sicily*, with which *Roger*'s Predeceſſors had been inveſted by the Apoſtolick See.

INNOCENT confirm'd the Inveſtiture of the Dukedom of *Puglia*, which had been given *Roger* by his Predeceſſor *Honorius*; and that of the Principality of *Capua*, tho' Prince *Robert* was ſtill alive, who was diveſted of it; and tho' formerly this Pope had ſo vigorouſly endeavour'd to have it reſtor'd to him, yet now he gives the Inveſtiture of it to *Roger*, adding: *Et inſuper Principatum Capuanum integre nihilominus noſtri favoris robore communimus, tibique concedimus: Ut ad amorem, atque obſequium B. Petri Apoſtolorum Principis, & noſtrum ac ſucceſſorum noſtrorum vehementer adſtringaris*; and thus he pretended to juſtify *Roger*'s Title to this Principality, acquir'd only *Jure Belli*; and for no other end, but that *Roger* and his Succeſſors might be the more Subſervient and Obſequious to the Apoſtolick See, juſt ſo as *Gregory* VII. declar'd in his Inveſtiture.

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[1] Anon. Caſſin.

SECT. I.

The Dukedom of Naples, Bari, Brindiſi, *and all the other Cities of the Kingdom ſubmit to* Roger.

IT is well worth our Obſervation, that in this Inveſtiture there is no mention made of the Principality of *Salerno*; for the Popes, tho' 'tis not known by Virtue of what Title, have always pretended that this Principality belong'd to the Apoſtolick See, as well as that of *Benevento*. Neither is the Dukedom of *Naples* mention'd in it; ſo that they were much miſtaken, who wrote that *Innocent* likewiſe inveſted *Roger* with *Naples*: We cannot but wonder when we read in the Hiſtory of *Naples* at laſt publiſh'd by *P. Giannetaſio* [1], that from this Time, *Naples*, from being a free Republick, became ſubject to the Dominion of *Roger*; and the Author, as it were, lamenting the Fate of his Country, by the Concern he ſhews for its having loſt its Liberty, accuſes *Innocent* for allowing of it, ſeeing that City belong'd to the Empire of the Eaſt; as if, ſuppoſing the Fact true, it had been a new Thing for the Popes to give Inveſtiture of Dominions that did not belong to them; and this appear'd to be a Novelty to him, tho' he was not ſurpriz'd to ſee the Popes give the Inveſtiture of *Puglia* and *Calabria* to the *Normans*, which Provinces they had taken from the *Greeks*, and to which they had no better Title than to the Dukedom of *Naples*. This Dukedom was acquir'd by the *Normans*, not by the Inveſtiture given them by the Popes, but by the Right of Conqueſt, and the Submiſſion of the *Neapolitans*, as ſhall be related by-and-by. Only in *Anaclet*'s Bull, after the Inveſtiture of the Principality of *Capua*, there is added, *Honorem quoque Neapolis, ejuſque pertinentiarum*; which meant nothing but the Honour of Dukes of *Naples*, by leaving the City in its former State and Polity; and 'tis *Petrus Diaconus* [2] alone, who writes, that *Anaclet*, beſides the Principality of *Capua*, inveſted *Roger* with the Dukedom of *Naples*; but after *Roger* had made Peace with *Innocent*, he no longer minded what *Anaclet* had done; ſo that he pretended no other Right to the Dukedom of *Naples* but that of Conqueſt, and the Submiſſion of the People, in the ſame manner as he did to *Amalphis*, *Gaeta*, the Principalities of *Taranto* and *Salerno*.

BUT let us return to where we left off: *Roger*, after having made this Peace, freely left the City of *Benevento* to the Pope; but while he was in that City, the *Neapolitans*, terrified at *Roger*'s Succeſs, came and ſubjected their City to his Dominion, as their Duke *Sergius* had formerly done. This Duke, if we may give credit to *Alexander* Abbot of *Teleſe*, had ſubjected the City of *Naples* to *Roger* many Years before; but afterwards repenting of what he had done, join'd with Prince *Robert* and Count *Rainulphus*, *Roger*'s Enemies, and carried on a long War with him; afterwards he ſided with *Roger*, and while he was fighting under his Banner, in the Battle which *Roger* loſt near *Salerno*, he, together with many Barons belonging to *Rainulphus*, was kill'd.

THIS Year 1139, the *Neapolitans* having experienc'd *Roger*'s Valour, ſubjected themſelves intirely to his Dominion; and by the Death of *Sergius*, being left without a Duke, with the King's Conſent they elected his Son *Roger* [3]. *Inveges* proves *Roger* to have been elected Duke, and not *Anfuſus*; *Pellegrinus* will have it to be *Anfuſus*. However that may be, altho' this Dukedom was ſubjected to *Roger*, nevertheleſs he would not allow of any Alteration in the Form of its Government and Polity; the ſame Magiſtrates, and the ſame Laws were continu'd, and he confirm'd all thoſe Prerogatives and Privileges which it enjoy'd when, under the laſt Dukes, it intirely renounc'd all Allegiance to the Empire of the Eaſt, and took the Form of a Republick; therefore we obſerve, that even after *Roger*, to the Year 1190, according to *Capaccio* [4], or whoever may be the Author of the *Latin* Hiſtory of

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[1] Hiſt. Neapol. lib. 11.

[2] P. Diac. lib. 4. cap 97.

[3] Falc. Benev. In his diebus Cives Neapolitani venerunt Beneventum, & Civitatem Neapolim ad fidelitatem Domini Regis tradentes, Ducem filium ejus duxerunt, & ejus fidelitati colla ſubmittunt.

[4] Capac. lib. 1. cap. 12.

Naples, there have been other Dukes, ſuch as *Sergius*, and a certain *Aliernus*, in whoſe Time, that Privilege related by *Marinus Freccia*, and which is likewiſe mention'd in the ſaid *Latin* Hiſtory, was granted to the Merchants of *Amalphis* who liv'd in *Naples*. However *Roger* did not leave *Naples* at full Liberty, like a free and independent State, as ſome have believ'd. They ſounded their Belief on what *Falcon* of *Benevento* relates, to wit, that *Roger*, after having taken *Troja* and *Bari*, the Year following 1140, return'd to *Naples*, where he was receiv'd with Acclamations, and with ſo great Pomp and Solemnity by the *Neapolitans*, that never any King nor Emperor had ever been treated there with ſo much Honour; that the next Day he rode through the City, and afterwards went in a Boat to *Caſtel di S. Salvatore*, ſituated in a little Iſland in the Sea, cloſe by *Naples*, which is now call'd *Caſtel dell' Uovo*, on account of its Shape; and while he was there, he ſent for the Citizens of *Naples*, with whom *De libertate Civitatis, & utilitate tractavit*, which are *Falcon*'s Words; by which being deceiv'd, they believ'd that the *Neapolitans* treated there with *Roger* about the Freedom of their City; whereas the King, as the moſt accurate *Pellegrinus* demonſtrates [1], treated of nothing elſe but the Immunities and Franchiſes which the *Neapolitans* pretended to, and which *Roger* preſently granted them; and *Capaccio* might have ſhunn'd this Error by the very Privilege which he quotes, where the *Neapolitans* granting Liberty to the Merchants of the Dukedom of *Amalphis*, who liv'd in *Naples*, meant nothing by *Liberty*, but a certain Sort of Franchiſe and Immunity, ſuch as theſe Words import: *Ut ſicut iſta Civitas Neapolis Privilegio libertatis præfulget, ita & vos Negotiatores, Campſores, ſive Apothecarii in perpetuum gaudeatis*; but what Liberty does the Privilege mean? *ut nulla conditio, de perſonis, vel rebus veſtris, ſive hæredum, & ſucceſſorum veſtrorum negotiatorum in Neapoli habitantium requiratur*; *ſicut non requiritur de Civibus Neapolitanis*.

THEREFORE *Roger* did not leave the Dukedom of *Naples* altogether free and independent; tho' he continu'd the ſame Laws and Magiſtrates, and the ſame Form of a Republick, which imported nothing elſe but the Community, and not the chief Power, as was obſerv'd in the firſt Book of this Hiſtory, exactly in the ſame manner that *Theodorick* left it, when he ordain'd that it ſhould enjoy the very ſame Privileges it had; by which 'tis clear, that *Roger* left to the Nobility and People, who were deſign'd by the Title of *Ordines*, *Electi*, or *Decuriones*, the Juriſdiction with regard to the *Annona*; but as for the Adminiſtration of Juſtice, the King imitated *Theodorick* in ſending *Comites* to take Charge thereof, as was done in all the other Cities and Caſtles of the Kingdom.

HOWEVER *Roger* did not uſe any other City of his Kingdom ſo mildly and favourable as he did *Naples*; for beſides leaving their Privileges intire, he gave to each Cavalier five *Moggia* * of Land, with five Husbandmen; he likewiſe promiſ'd them greater Rewards, if they continu'd faithful according to the Oath they had ſworn to him, and kept the City in Peace and Tranquility under his Government [2]. 'Tis ſurprizing to find that *Fazzellus* [3], not content with having confounded the Things, Times, and Perſons concerning theſe Facts, likewiſe adds out of his own Brain, that after this Peace had been concluded betwixt *Innocent* and *Roger*, he, *Roger*, made his Entry into *Naples* with great Acclamations, and that Day created a hundred and fifty Knights, and continu'd there for two Months feaſting and diverting himſelf, not only contrary to all Hiſtory, but alſo to what *Falcon* of *Benevento* hath related concerning theſe Facts.

* On which 200 Pecks of Corn could be ſown.

ROGER likewiſe ſhew'd his Affection for the *Neapolitans* in another particular; for in order to know the Largeneſs of the City, he caus'd the Circumference of the Walls to be meaſur'd in the Night-time, which he found to be 2363 Paces; and the Day following he aſſembled the Inhabitants, and in a kind manner ask'd them, If they knew what was the Circumference of their Walls? and they anſwering No, the King told them: At which they were both ſurpriz'd and convinc'd of his Affection [4].

SUCH is the Viciſſitude of worldly Things, that this City, which, with reſpect to other Cities of theſe Provinces in *Roger*'s Time, was of ſo ſmall Compaſs, at this Day ſurpaſſes all the reſt, and is not only become the Metropolis and Head of ſo large a Kingdom, but is one of the moſt famous and remarkable Cities in the World.

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[1] Pellegr. ad Falc. Ben. A. 1140.

[2] Idem.

[3] Fazzel. poſter. decad. lib. 7.

[4] Capec. Lat. hiſt. lib. 1. pag. 50.

BUT before *Roger* made his ſecond Entry into *Naples*, amidſt ſo much Acclamation and Rejoycing, he had recover'd all the Province of *Capitanata* to his Dominion; he had taken *Troja* the Head of it, into which City he never would enter, though *William* the Biſhop, and the Citizens by their Meſſengers, had begg'd of him to come; but he anſwer'd, that whilſt the Traitor *Rainulphus* continu'd amongſt them, he would not ſee them: The *Trojans*, afraid of the King's Diſpleaſure, immediately caus'd the Sepulchre of *Rainulphus* to be open'd, his Body taken out, and dragg'd through the Streets of the City with a Rope about his Neck, and afterwards thrown into a dirty Puddle; this ſad Cataſtrophe coming to the Knowledge of his Son the Duke of *Puglia* and *Naples*, he went in queſt of his Father's Corps, and manag'd Matters ſo, that *Rainulphus* was again buried [1].

AFTER this Expedition he had likewiſe taken *Bari*, and put Prince *Giaquinto* to death; and returning afterwards to *Salerno*, had poſſeſs'd himſelf of the Eſtates of all thoſe who had been his Enemies, and baniſh'd them out of his Dominions; he ſent *Roger* Count of *Ariano*, with his Wife, Priſoners to *Sicily*. He intirely drove out *Tancred* Count of *Converſano*, took *Brindiſi*, and all his other Towns, ſo that he was forc'd to fly to *Jrruſalem*. And thus with ſo ſudden and ſurprizing good Fortune, having recover'd all theſe Provinces to his Dominion, he went over to *Sicily*, from whence he ſent Judges and Governors to each Province, that the ſubjected People might enjoy a ſettled Peace, and beſides he eſtabliſh'd new Laws for the Good of the Realm, of which Laws we ſhall ſhortly diſcourſe. And in the beginning of the Year 1140, having aſſembled a new Army, he ſent it under the Command of his Son Prince *Anfuſus*, to ſubject that Part of *Abruzzo* ſituated on the other ſide of the River *Peſcara*, which belong'd to the Principality of *Capua*; where the Prince on his arrival, took many Places, and deſtroy'd all that made Reſiſtance. Into which Province the King ſoon after likewiſe ſent Duke *Roger* with a good Body of Troops, who having join'd his Brother, they intirely ſubjected all thoſe Parts to the very Borders of the State of the Church, and aſſur'd the Pope, who was in Pain, that they had no Deſign to diſturb his Dominions in the leaſt. In the mean time the King with his Army had return'd to *Salerno*, and from thence to *Capua*, and, in order to make the Pope eaſy, he recall'd his Sons, and afterwards march'd to *Ariano*, where he call'd an Aſſembly, which was the firſt that this King held in *Puglia*, where the two States, *viz.* the Barons, and Biſhops and Prelates met, for putting the Affairs of that Province in a better Condition. Thereafter he caus'd new Silver Money mix'd with a great deal of Copper, to be coin'd, which was call'd *Ducats*; and another leſſer, call'd *Follare*, altogether of Copper, which he order'd to paſs for the third Part of a *Romaſino*, which was worth Twelve Grains and a Half of the common Copper-money, current at this Time; and Eight *Romaſini* made one *Ducat* of his Coin, and under ſevere Penalty he forbad the Currency of the antient Money in his Dominions, though much better than his own, to the great Detriment of his Subjects, and of all *Italy*. Afterwards he march'd to *Naples*, where he treated the *Neapolitans* with that Generoſity and Kindneſs, we have lately mention'd; and from thence he return'd to *Salerno*, and imbark'd in his Fleet, and directed his Courſe for *Palermo*, leaving the Government of *Puglia* to Duke *Roger*, and that of *Capua* to Prince *Anfuſus*, according to *Falcon* of *Benevento*, who here puts an End to his Hiſtory, as *Alexander* Abbot of *Teleſe* had done a little before.

THUS *Roger*, after having by his Valour and Conduct overcome ſo many, and ſuch powerful Enemies, firmly united all theſe Provinces under the Dominion of one ſingle Perſon. They were now in no Danger of being any more attack'd by foreign Enemies, or diſturb'd by inteſtine Commotions, for by his Valour he ſettled a moſt firm and laſting Peace; ſo that the Wars being at an End, he had Leiſure to eſtabliſh his Kingdom in a better Form, and to provide it with new Laws, and wholeſom Regulations, that it might vie with all the other Kingdoms in the Weſt.

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[1] Falc. Benev.

CHAP. IV.

The Kingdom is eſtabliſh'd, and modell'd with new Laws and Officers.

THUS was the Kingdom eſtabliſh'd, and theſe Provinces, to wit, the Dukedoms of *Puglia* and *Calabria*, the Principalities of *Taranto*, *Capua* and *Salerno*; the Dukedoms of *Bari*, *Naples*, *Sorento*, *Amalphis* and *Gaeta*, the two *Abruzzi*, and in fine, all the Countries on this Side of the *Tyber* to the *Sicilian* Streights, formerly divided into many Dinaſties, and ſubject to ſeveral Princes, are now united in one large and noble Monarchy, under the Dominion of one ſingle Perſon.

BUT the *Sicilians* on good Grounds pretend, that as yet theſe our Provinces were not united in the Form of a Kingdom by it ſelf, and independent of their Kingdom of *Sicily*. They affirm, that they ſtill depended on *Sicily*, and particularly on *Palermo* the Metropolis, where the Royal Palace was, and the chief Officers of the Crown, who had the Government of theſe Provinces reſided.

AND truly, if the firſt Riſe of this Kingdom, and *Anaclet*'s Bull, which was the firſt Foundation of it, be conſider'd, 'tis clear, that one only Kingdom was eſtabliſh'd, which comprehended *Sicily*, as the Head, and *Calabria*, *Puglia* and the other Provinces on this ſide of the *Phare*, as Members; theſe are the Words of the Bull; *Et Siciliam Caput Regni conſtituimus.* Whence we likewiſe ſee, that *Roger*'s firſt Titles were King of *Sicily*, of the Dukedom of *Puglia*, and Principality of *Capua*; as if all had been but one Kingdom, comprehending both that Iſland, and the other Provinces on this Side of the *Phare*. This is evident from the Conſtitutions of *Frederick* II. compil'd by *Pietro delle Vigne*, where he not only means the Iſland, but all the other Provinces on this ſide of the *Phare*; and yet more evident from the Conſtitution *Occupatis* [1], where *Frederick* aſſigning to each City of the Kingdom of *Sicily*, one ſingle Lord Chief Juſtice, and one Judge, he excepts three Cities only, to wit, *Naples*, *Capua* and *Meſſina*, to each of which, by reaſon of their Bigneſs, he ſent more, and calls *Naples* and *Capua*, Cities of the Kingdom of *Sicily*. And *Andrea da Barletta*, who was Contemporary with *Frederick* II. ſays, that by ancient Cuſtom, *in Regno iſto Siciliæ*, the Laws of the *Longobards*, derogated from thoſe of the *Romans*, and calls the Kingdom of *Sicily*, what is now the Kingdom of *Naples*, which cannot be underſtood to be the Iſland of *Sicily*, where the *Longobards* never had footing, and where their Laws were never obſerv'd. Whence we are convinc'd, that the Popes did not introduce a Novelty, by taking the Kingdom of *Sicily* not only for that Iſland, but for all the other Provinces on this Side of the *Phare*, of which it was compos'd; but what explains beſt how much this Kingdom of *Sicily* comprehended, are the Inveſtitures given afterwards to the Princes of *Anjou* in theſe Words, *Regnum Siciliæ citra, & ultra Pharum*; and the firſt who made uſe of this Formula, was *Clement* IV. who in the Year 1265, inveſting *Charles* of *Anjou* with the Kingdom of *Naples* and *Sicily*, call'd it *Regnum Siciliæ citra, & ultra Pharum*, and he was the firſt Pope, who, for the greater clearneſs, made uſe of this Diſtinction, not but that before him, both the one and the other Realm were underſtood by *Regnum Siciliæ*; whence *Fazellus* [1], *Arniſeus* [2], and others, unjuſtly make the Popes Authors of this Formula, as if, contrary to the antient Deſcription of *Italy*, and all the old Hiſtorians, and Geographers, of which *Fazzellus* gives us a long Catalogue, who by *Sicily* underſtood the Iſland only, they had reſolv'd to tranſfer this Title to the other Provinces on this Side of the *Phare* likewiſe.

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[1] Conſtit. Occupatis lib. 1.

THE ſame Stile was us'd by the ſubſequent Popes: and *Gregory* XI. not content with that, in the Year 1363, having made Peace betwixt *Joan* Queen of *Naples*, and *Frederick* III. King of *Sicily*, in his *Diploma*, calls *Naples* the Kingdom of *Sicily*, and *Sicily Trinacria*. And *Martin* King of *Sicily*, likewiſe in his *Diploma*, calls the Kingdom of *Naples*, *Siciliam citra Pharum*, and *Sicily*, *Siciliam ultra Pharum*; and at laſt theſe two Kingdoms being united in the Perſon of *Alphonſus* I. he was the firſt, who made uſe of the Title of *Rex utriuſque Siciliæ*; which Title his Succeſſors, who poſſeſs'd both theſe Kingdoms, retain'd.

THE *Sicilians*, who pretend that theſe Provinces under *Roger*, were dependent on the Kingdom of *Sicily*, make uſe of this Argument, that when *Roger* made *Palermo* his Royal Seat, all the chief Officers of the Crown, on whom the leſſer ones, both of the Iſland and theſe our Provinces depended, likewiſe reſided there. And 'tis matter of Fact, that after this glorious Prince, in Imitation of *France*, from which he had his Origine, introduc'd into his own Kingdom the High Conſtables, High Chancellors, Lords Chief Juſtices, High Admirals, Lords High Chamberlains, Great Protonotaries, and Lords High Stewards: Theſe Supreme Officers of the Crown attended his Royal Perſon in *Palermo*, and particular Juſtices, Chamberlains, Conſtables and Chancellors were ſent into theſe our Provinces, and each of them govern'd a Province [3], and were all ſubordinate to thoſe Seven who remain'd at Court, and therefore were firſt call'd Maſters Juſtices [4], or Maſters Chancellors, and afterwards High Juſtices, High Admirals, and High Chancellors; and therefore in *Sicilia Sacra* [5], we find a Writ dated in the Year 1142, likewiſe recorded by *Camillo Tutini* [6], wherein the famous *George* of *Antioch*, *Roger*'s High Admiral, calls himſelf *Georgius Admiratorum Admiratus*; and the ſo much renown'd *Majone di Bari*, King *William*'s High Admiral, in a Letter of this King's to Pope *Adrian* IV. is call'd *Majo Magnus Admiratus Admiratorum*; and he himſelf in his Writings ſign'd *Majo Magnus Admiratus Admiratorum* [7], as we ſhall relate more fully, when we come to treat of theſe Officers.

BUT the Arguments on the other Side, which prove that theſe Provinces remain'd a diſtinct Kingdom, and independent of that of *Sicily* under *Roger*, are no leſs ſtrong and convincing. As ſoon as *Roger* had made Peace with *Innocent*, he little regarded what *Anaclet* had done by his Bull; 'tis certain that the Dukedom of *Puglia*, under which Name, in the Time of the *Normans*, all *Italy* on this Side of the *Tyber* was comprehended, and the County of *Sicily*, were both erected into Kingdoms, the one independant upon the other; and as by the Writers of this Twelfth and ſubſequent Centuries, the one was call'd the Kingdom of *Puglia*, or of *Italy*, ſo the other was call'd the Kingdom of *Sicily*; and their Kings took the Title of *Puglia*, or *Italy*, as well as that of *Sicily*. And the Royal Seat in theſe Provinces, in thoſe Times, was in *Salerno*; and likewiſe the City of *Bari* was once reckon'd the Metropolis, *Regiam Sedem, & totius Regionis Principem*, as *Marinus Freccia* terms it [8]. Whence came the Fable, that the Kings of *Puglia* were wont to be crown'd in *Bari* with the Iron Crown, ſo that *Bergeus* in his Siriade of *Bari*, ſays [9];

————Primi unde inſignia Regni
Sceptraque, purpureoſque habitus, Sacramque Tiaram,
Sumere tum Reges, Siculique, Italique ſolebant.

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[1] Fazzel. de reb. Sicul. dec. 1. lib. 1. cap. 2.

[2] Arniſ. tom. 1. pag. 519. & 566. num. 6.

[3] Anonym. Caſſin. anno 1208. Conſtitutis Magiſtris Juſticiariis Apuliæ, & Terræ Laboris Comite Petro Celano, & Richardo Fundano, &c.

[4] Camil. Pellegr. in Caſtig. ad Anonym. Caſſin. anno 1208.

[5] Sicil. Sacr. tom. 3. fol. 275.

[6] Tutin. dell' Uffic. del. G. Ammir.

[7] Beatill. Hiſt. di Bari lib. 2. pag. 108.

[8] Freccia de ſubfeud. lib. 1. p. 43. num. 6.

[9] Alberto Bononienſ. in Deſcript. Ital. Regione X. fol. 224. Beatil. Hiſt. di Bari, lib. 1. *and in the Life of St.* Nicolo di Bari.

WHAT is allowable in a Poet, who, perhaps, meant the ancient *Tarantine* Kings, or a feign'd Story, is not pardonable in Hiſtorians [1], who tell us, that the *Norman* and *Suevian* Kings of *Puglia* were crown'd in *Bari* with a Crown of Iron: That the Emperor *Henry* and *Conſtantia* his Wife, and *Manfred* likewiſe were crown'd there. Which are all fabulous Stories; for, as ſhall be ſhewn in the Courſe of this Hiſtory, and which *Inveges* [2] proves, theſe Princes were crown'd in *Palermo*, and not in *Bari*. And *Marinus Freccia* [3] (whom *Beatillus* ought to believe, and not differ from him without Reaſon) ſays, that not having read in any Writer, that the Kings of *Puglia* had been crown'd in *Bari*, in the Year 1551 he went to that City, and inquir'd concerning this Coronation at the People of *Bari*, who were ſurpriz'd at the Queſtion, as a new Thing, they never having had any Tradition that ever ſuch a Solemnity had been perform'd in former Ages in their City.

BUT tho' thoſe Kings were not crown'd in *Bari* the Metropolis of *Puglia*, nor in *Salerno* the Royal Seat of the *Normans*, but in *Palermo*, yet they valu'd themſelves as much upon the Title of Kings of *Puglia* or *Italy*, as upon that of *Sicily*. Amongſt the Monuments of our Antiquity, we have as yet many Charters, in which King *Roger*, and *William* his Son, are ſo intitled. In the third Tome of *Sicilia Sacra*, there is one in which *Roger* takes this Title: *Rogerius Rex Apuliæ*, &c. And in others related by *Ughellus* we read the ſame; and *Auguſtinus Inveges* [4], who look'd upon theſe Provinces as Members of the Kingdom of *Sicily*, by the many Charters which he himſelf relates, wherein the like Titles are found, might have given up the Queſtion; and in the Archives of the Monaſtery of the Trinity of the Cave, we have ſeen a *Diploma* of King *Roger's* dated in the Year 1130, the firſt Year of his Reign, which has the golden Seal appended to it, wherein *Roger* thus intitles himſelf: *Rogerius Dei Gratia Siciliæ, Apuliæ, & Calabriæ Rex, Adjutor Chriſtianorum, & Clypeus: Filius, & hæres Rogerii magni Comitis*; whence, in the Decretals of the Popes [5] our Kings were call'd *Kings of Puglia*.

BUT a *Diploma* related by *Falcon* of *Benevento* deſerves more Conſideration, wherein this Title is given to *Roger*; *Rogerius Dei Gratia Siciliæ & Italiæ Rex, Chriſtianorum Adjutor & Clypeus.* Here, in order to avoid the Miſtakes into which many have fallen, 'tis worthy of Obſervation, that *Puglia*, which was always underſtood to be that Part of *Italy* on this Side of *Rome*, which is waſh'd by the *Adriatick* Sea, and which in the Deſcription of *Italy* comprehended only the tenth Province of it, was afterwards, according to the uſual Vanity of the *Greeks*, by them call'd *Italy* abſolutely; for they being formerly poſſeſſed of all *Italy*, and having afterwards very near loſt all the other Provinces of it, except *Puglia*, they gave it the Name of *Italy*, that at leaſt by retaining the Name, they might have the Vain-glory to call themſelves Maſters of *Italy*. Thus we have ſeen, when they had loſt the ancient *Calabria*, and poſſeſs'd only *Abruzzo*, and a part of *Lucania*, that they might not diminiſh their Titles, they continu'd ſtill to appoint Governors of *Calabria*, and ſent them to reſide in *Reggio*, where they govern'd *Abruzzo*, and that Part of *Lucania* which was left them, and call'd thoſe Countries *Calabria*, which Name they retain to this Day. For this reaſon *Lupus Protoſpata* calls *Argirus* Prince and Duke of *Italy*, ſurely not meaning *Italy* according to its largeſt Extent, ſurrounded by both the Seas and the *Alps*, but only *Puglia*, of which *Bari* was then the Head. The ſame Writer likewiſe in the Year 1033, calls *Conſtantinus Protoſpata, Catapanus Italiæ* [6].

THIS is further prov'd by a *Greek Diploma*, which in the Year 1253, in the Time of the Emperor *Conrade*, King of *Sicily*, was tranſlated into *Latin*, and may be ſeen in *Ughellus*, in which (theſe Provinces not being as yet erected into a Kingdom, when this Inſtrument was drawn up) Count *Roger* is thus intitled: — *Hoc eſt Sigillum factum a Rogerio Duce Italiæ, Calabriæ, & Siciliæ*; where we clearly ſee, that by *Italy* the *Greeks* meant only *Puglia*. And in the Life of St. *Nilus*, which was tranſlated from the *Greek* into *Latin* by *Cariophilus*, we read, that *Nicephorus regebat utramque Provinciam, Italiam, & Calabriam noſtram*, meaning nothing elſe by *Italy*, but only *Puglia*, which was then poſſeſs'd by the *Greeks*; and in like manner *Charles* of *Anjou*, by the *Greek* Writers, and particularly *Nicephorus Gregora*, is always call'd *Rex Italiæ*, but by the *Latins Rex Apuliæ*. Yet this *Greek* Idiotiſm of calling *Puglia*, *Italy*, was not only us'd by the Writers of that Nation, but likewiſe by our *Latin* Authors, as may be ſeen in *Falcon* of *Benevento*, who, ſpeaking of the taking of the Caſtle of *Bari* by the Emperor *Lothaire*, ſays, *De tali tantaque Victoria tota Italia & Calabria, Siciliaque intonuit*[1].

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[1] Inveges hiſt. di Palerm. tom. 3.

[2] Freccia loc. cit. num. 4.

[3] Inveges hiſt. Palerm. tom. 4.

[4] Cap. veritatis de Jurejur.

[5] V. Pellegr. ad Lup. Prot. A. 1042.

[6] Ughel. tom. 9. Ital. Sacra, pag. 671.

THUS while *Puglia* was in the Poſſeſſion of the *Greeks*, it got the Name of *Italy*, by which was only meant that ſingle Province; but afterwards, when *Puglia*, under the *Normans*, eclips'd all the other neighbouring Provinces, they all came under its Denomination. The Reaſon was, becauſe the *Normans* firſt conquer'd *Puglia*, and made the Name of it reſound through all the Weſt; ſo that the Names of the other Provinces being in a manner forgot, eſpecially by Foreigners, the Name of *Puglia* came to denote all *Italy* on this Side of the *Tyber*, and all thoſe Provinces which now make up the Kingdom of *Naples*; as the Eaſtern People of *Aſia*, becauſe of the glorious Actions of the *French* there, call all the Weſtern People *Franks*, which Glory is not new to that Nation; for in the Time of *Otho Friſingenſis*, by reaſon of the frequent Expeditions to the Holy Land, where the *French* made themſelves moſt famous, we read in this Author, that the Eaſtern People, and eſpecially the *Greeks*, call'd all the People of the Weſt *Franks*[2]. Therefore *Roger*'s taking the Title of *Rex Apuliæ*, ought not to be underſtood of *Puglia* taken in a ſtrict Senſe, but of all that now makes up our Kingdom, in which Senſe many Writers take it, as may be ſeen in *Petrus Bibliothecarius* in the Life of *Paſchal*, and in many others[3]. This is the Reaſon why our Writers call it the Kingdom of *Puglia*, before the Popes gave it the Name of *Sicily* on this Side of the *Phare*, or that in latter Times it got that of *Naples*.

THEREFORE, as the *Greeks* had given the Name of *Italy* to *Puglia*, which then comprehended only one Province, it was more reaſonable to give that Title to all the other Provinces on this Side of the *Tyber*, which now went under the Name of *Puglia*; and it was a more plauſible Thing for *Roger* to call himſelf King of *Italy*, than of *Puglia*, both becauſe it was a more lofty and ſpecious Title with which the Kings of the *Goths* and *Longobards* had been adorn'd; and becauſe there is no Inſtance of any King of *Puglia*, without going back to the moſt ancient Kings of the *Dauni*, *Lucani*, and *Taranto*, of whom *Freccia* treats at large, but to very little Purpoſe. *Roger* therefore thought fit to take the Title not only of King of *Sicily*, but likewiſe of *Italy*, meaning by *Italy* only, that Part of it on this Side of the *Tyber*; and the Authors of theſe Times meant the ſame, exactly in the ſame manner, as when by the Provinces of *Italy* theſe only were denoted, which were under the Government of the Prefect of *Italy*, and not thoſe which were under the Prefect of the City of *Rome*, altho' they were comprehended in the Deſcription of *Italy* taken in its largeſt Extent.

BY which 'tis evident, that by *Roger*'s taking not only the Title of King of *Sicily*, but likewiſe that of *Italy* or *Puglia*, two Kingdoms were eſtabliſh'd independent of one another, and not one only, and theſe our Provinces were not reckon'd a Part of the Kingdom of *Sicily*.

THIS is likewiſe evident from their peculiar Laws; for theſe our Provinces, even after they were erected into a Kingdom, own'd no other Laws but the *Longobard*, which Laws were of no Authority nor Uſe in *Sicily*, which had never been in the Poſſeſſion of the *Longobards*, becauſe that Nation never had any Naval Forces, ſo that their Power never reach'd beyond the *Phare*. Thus each Kingdom had its peculiar Laws, according to which it was govern'd, independent of the other; and each of theſe Provinces had its Lord Chief Juſtice, with his Tribunals; nor were the Cauſes which were decided therein, carried by Appeals to *Palermo*, as to a Tribunal ſuperior to all others, but were determin'd there as the laſt reſort, as we ſhall ſhortly relate in a particular Manner, when we come to treat of the Officers of the Crown.

AND if we do not find amongſt our ancient Records, that *Roger*, or any of his *Norman* Succeſſors, were wont to ſend any Viceroy to the Kingdom of *Puglia*, to take the Government of all the Realm, as was practis'd afterwards in later Times by the Princes of other Nations; no other Reaſon can be given for it, but that *Roger*, and the two *Williams* his Succeſſors were wont to come often and reſide in *Salerno*, and likewiſe, becauſe their Cuſtom was to create their Sons either Dukes of *Puglia*, or Princes of *Capua* or *Taranto*, and to intruſt them with the Government of theſe Dukedoms or Principalities, in the ſame manner as *Roger* did, who having retir'd to *Palermo*, left the Government of theſe Provinces to his two Sons, *Roger* Duke of *Puglia*, and *Anfuſus* Prince of *Capua*.

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[1] V. Pell. ad Lup. A. 966.

[2] Otho Frinſ. lib. 7. cap. 4.

[3] V. Pell. ad Caſt. Fal. A. 1117.

AND as 'tis true, that the Kingdom of *Puglia* was independent of that of *Sicily*, and had its particular Laws and Magiſtrates, ſo likewiſe it cannot be denied, that the Laws which *Roger* made at this Time, and the ſupreme Officers of the Crown, which he introduc'd after the manner of *France*, were common to both; and 'tis evident, that the Officers of the Crown were appointed as well for the one as the other Kingdom; which was obſerv'd until the Iſland of *Sicily* revolted from the Kings of the Family of *Anjou*, and ſubmitted to the Kings of *Arragon*, as we ſhall ſee in the Courſe of this Hiſtory.

CHAP. V.

Of the Laws of Roger I. *King of* Sicily.

ROGER, by his ſurprizing good Fortune, having in this manner become ſo great and powerful a King, overcome his Enemies, and reduc'd the rebellious Provinces under his Obedience, reſolv'd, by the Means of many uſeful and provident Laws, to bring them into a State of Tranquillity, in which, by reaſon of ſo many and continual Wars, they had not been for a very long Time.

THESE Provinces, as has been often ſaid, had been govern'd by the ancient *Roman* Laws, now in a manner aboliſh'd, and rather preſerv'd by Tradition, as old Cuſtoms, than as written Laws. The *Longobard* were the prevailing Laws, which continu'd amongſt the *Normans* in full Force, and were religiouſly obſerv'd; and tho' the Pandects had been found in *Amalphis*, and were begun to be read in ſome Academies of *Italy*, and particularly in *Bologna*, by the Induſtry of *Irnerius*, and *Juſtinian*'s Code and *Novellæ* were pretty well known; nevertheleſs *Roger* would not ſuffer theſe Books to be of any Authority in his Dominions; but the *Longobard* Laws were in full Force, and they alone prevail'd in the Courts of Juſtice, and by them all Cauſes were decided; of which we have a flagrant Inſtance, for at this very Time, in the Year 1149, there having ariſen a Suit at Law, betwixt the Monaſtery of S. *Michael the Archangel ad Formam*, near *Capua*, and *Pietro Girardi* of *Madaloni*, the Monks of that Monaſtery pretending, that the ſaid *Pietro* had taken Poſſeſſion of ſome Lands within their Bounds, and which, they ſaid, belong'd to the Monaſtery; the Cauſe was firſt tried by *Richard* and *Leo* Judges of *Madaloni*, and was afterwards decided by them and the Judges of *Capua*, as *Ebolo* the King's Chamberlain had appointed; and after having view'd the contraverted Lands, produc'd the Writings, and examin'd ſome Witneſſes, the Sentence was pronounc'd in Favour of the Monaſtery. The Proceſs was carried on and decided according to the *Longobard* Laws, and the Inſtrument of that Decree drawn up *ad futuram rei memoriam*, after the Cuſtom of that Time, may be read in *Pellegrinus*, in his Hiſtory of the *Longobard* Princes [*].

BUT this prudent Prince now perceiving that his Kingdom, by reaſon of the many Diſturbances and Revolutions that had happen'd, ſtood in need of new Laws for repairing the many Diſorders which ſo many and continual Wars had occaſion'd, reſolv'd to eſtabliſh them; and tho' before his Time *Robert Guiſcard*, and Count *Roger* his Grandfather, had introduc'd ſome commendable Cuſtoms, of which we have no other Record left us, but what we read in *Hugo Falcandus*[1]; yet he was the firſt, who, in imitation of *Rotaris* King of the *Longobards*, eſtabliſh'd Laws, which he publiſh'd by an Edict in the Kingdoms of *Sicily* and *Puglia*, that thoſe Laws might be obſerv'd as well in the one as the other, and be common to both Kingdoms. Theſe are the firſt Laws of the Kingdom that were commonly call'd *Conſtitutions*; and theſe, together with thoſe of *Frederick* II. his Grandchild, and of the other Kings his Predeceſſors, were collected into one Volume by *Pietro delle Vigne*, as ſhall be ſeen at large when we come to treat of this Collection. *Roger* took the ſame Method to eſtabliſh them as the *Longobard* Kings had done; to wit, in the publick Aſſemblies of the States of Barons, Officers, Biſhops, and other Prelates. *Auguſtinus Inveges*[2] is of Opinion, that *Roger*, when in the Year 1140, before he went a ſecond Time to *Naples*, having ſtopp'd at *Ariano*, held the firſt Aſſembly of Barons, Biſhops, and other Eccleſiaſtical Prelates there, and made thoſe Conſtitutions which we have amongſt thoſe of *Frederick* II. which were common to all his Dominions, contrary to the Opinion of *Ramondetta*[3], who, through Miſtake, thought that they were not made for the Iſland of *Sicily*. And *Falcon* of *Benevento*[4] relates, that in this Aſſembly he likewiſe publiſh'd an Edict, by which he forbad the Currency of a certain *Roman* Money call'd *Romaſina*; in place of which he caus'd another new Money to be coin'd, and to which, as is ſaid, he gave the Name of *Ducato*, and one of them was worth eight *Romaſinas*, and had more Copper than Silver in it; he likewiſe caus'd the *Follari* to be coin'd, ſo that not only the *Tarini* of *Amalphis*, but theſe new Pieces were current in the Kingdom.

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[*] Pelleg. pag. 251.

OF the Laws of this Prince, we have only Thirty-nine ſcatter'd up and down in the Volume of Conſtitutions, compil'd by *Pietro delle Vigne*, by the Command of *Frederick* II. and the firſt is that which we find in the firſt Book, under the fourth Title *De Sacrilegio Regum*. By which it was reckon'd Sacrilege to cenſure the Actions, Councils, and Deliberations of the King; which *Roger*, retaining almoſt the ſame Words, took from the Law of the Code under the Title *De Crimine Sacrilegii*, wherein the Emperors *Gratianus*, *Valens*, and *Theodoſius* eſtabliſh'd the ſame; *Roger* inſtead of the Name of Emperor, put only that of King. Where 'tis worthy of Obſervation, that the Laws of *Juſtinian's* Code were of no Force or Authority in the Dominions of *Roger* in his Time; but he would have the Laws which he took out of that Code, to be obſerv'd as his own, and not as the Laws of a foreign Prince, in the ſame manner as the *Gothiſh* Kings of *Spain*, altho' they had taken many Laws from *Juſtinian's* Code; yet they would have their own Code, and not that of *Juſtinian* to be of Authority in their Dominions.

WE have that other Law of this Prince under the following Title *De arbitrio Regis*, wherein he order'd the Judges at their Pleaſure to moderate thoſe Laws which puniſh'd ſacrilegious Perſons ſo ſeverely, provided that they had not pull'd down Churches, or violently broke them open, or in the Night-time had ſtole the ſacred Veſſels, and other Ornaments of the Churches, in which Caſes capital Puniſhment was to be inflicted.

SUMMONTES will have it, that the third Law of *Roger* was the following, under the Title *De Uſurariis*, and ſo likewiſe will his Tranſlator; but 'tis a manifeſt Miſtake, for it's not *Roger's*, but *William* II's. his Nephew; for it's ordain'd by this Law, that Proceſſes concerning Uſury brought before his Courts of Juſtice, ſhould be decided according to the laſt Decree publiſh'd by the Pope in the Court of *Rome*, which cannot be underſtood but of the Decree made by Pope *Alexander* III. in the *Lateran* Council, which was held in the Time of *William* II. and not of *Roger*, as ſhall be more fully explain'd, when we come to treat of the Laws of that Prince; whence in the correct Editions, this Conſtitution begins with *Gulielmus*, and not *Rogerius*.

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[1] Hug. Falc. ſpeaking of William I. Ut his, aliiſque pernicioſis legibus antiquatis, eas reſtituat Conſuetudines, quas Avus ejus Rogerius Comes a Roberto Guiſcardo prius introductas, obſervaverit, & obſervari præceperit.

[2] Inveg. hiſt. Palerm. tom. 3.

[3] Ramond. lib. 1. c. 46.

[4] Falc. Benev. Monetam ſuam introduxit, unam cui Ducatus nomen impoſuit, octo Romaſinas valentem, quæ Magis ærea, quam Argentea probata tenebatur: Induxit etiam tres ſollares æreos Romaſinam unam appretiatos.

THE Third is that which we read under the Title *De raptu, & violentia monialibus illata*, by which the Raviſhers of Virgins conſecrated to God, tho' not veil'd, even under Promiſe of Marriage, were to be puniſh'd capitally: This was likewiſe taken from *Juſtinian*'s Code [1], where that Emperor eſtabliſh'd the ſame.

WE read two other Laws under the Title *De Officialibus Reip.*; by the firſt it was ordain'd, that Officers, who, during the Time of their Adminiſtration, ſhould imbezzle the Publick Money, were to be puniſh'd capitally. By the Second it was ordain'd, that Officers, who by their Negligence ſhould occaſion the Loſs or Diminution of the Publick Treaſure, were to be impriſon'd, and oblig'd to make up the Damage out of their own Eſtates, the King, out of his Royal Goodneſs, remitting what other Puniſhment they deſerv'd.

WE have the Sixth under the Title *De Officio Magiſtrorum, Camerariorum, & Bajulorum*, whereby the Juſtices, Chamberlains, Caſtellans, and Bailiffs, are order'd to be careful in aſſiſting the Officers of the Cuſtoms, and Receivers of the Publick Revenues, and to give them their Advice, and be aiding to them as often as they ſhall be requir'd; which in the ſame Words was renew'd by *William* under the Title *De Officio Secreti.*

THE Seventh is plac'd under the Title *De Reſtitutione Mulierum*, in the ſecond Book; for that which we read in the firſt Book, under the Title *De Advocatis Ordinandis*, tho' it bears the Name of *Roger*, nevertheleſs it's *Frederick* II's, as is clear by the Stile and the Matters it treats of; whence in ſome correct Editions, we read not *Rex Rogerius*, but *Idem*, denoting *Frederick* Author of the preceding Law. By this Law *Roger* orders his Officers, upon urgent and proper Occaſions to relieve Women in great Diſtreſs; which being very general and obſcure, *Frederick* II. explain'd the Caſes in which they were to aſſiſt Women, ſo that this Emperor publiſh'd another Conſtitution, which we read under the Title *De integrum reſtitutione Mulierum*: In the ſecond Book, he ſays, *Obſcuritatem legis Divi Regis Rogerii Avi noſtri de reſtituendis Mulieribus editam declarantes*, &c.

THE Eighth and Ninth plac'd under the Title *De Pœna Judicis, qui male judicavit*: In the former he condemns the Judges to be branded with a Mark of Infamy, and their Goods to be confiſcated, and to loſe their Office, if they ſhall judge wrongfully and deceitfully againſt the Laws; and if ignorantly, the Puniſhment is left at the King's Pleaſure. In the latter, if for Money they ſhall condemn any Perſon to Death, they are to be puniſh'd capitally.

THE Tenth, which we have under the firſt Title *De Juribus rerum Regalium*, of the firſt Book, deſerves more Conſideration than all the reſt, for it's the firſt Feodal Law eſtabliſh'd in the Kingdom by our *Norman* Princes. The firſt who publiſh'd a written Law concerning Fieſs and their Succeſſion, was, as we have ſaid, the Emperor *Conrade the Salick*. The Emperor *Lothaire* publiſh'd ſome others, and one amongſt the reſt, much to the ſame Purpoſe with this of *Roger*'s, *De Feudo non alienando*; but tho' *Roger* ſuffer'd the Laws of the Emperors of the Weſt, down to *Lothaire*, as alſo all the *Longobard* Laws continu'd in that Volume, to be obſerv'd in his Dominions, even after they were withdrawn from, and independent of the Empire, yet he would never ſuffer the Laws of *Lothaire*, his Enemy, to be of any Authority in his Kingdom; therefore, tho' *Lothaire* in the Year 1136, had publiſh'd a Law at *Roncaglia*, by which Feudatories were forbid to alienate their Fieſs, which being of no Force in the Kingdoms of *Sicily* and *Puglia*, *Roger*, in order to take Care of his Royal Rights, was oblig'd to eſtabliſh a particular Law, by which he ſtrictly prohibited not only all the Counts, Barons, Archbiſhops, Biſhops, Abbots, and all others whoever, that held Fieſs or Royalties, how great or ſmall ſoever they might be, to alienate, give, ſell, either in whole or in part, or in the leaſt to diminiſh them; and he likewiſe extended this Prohibition to the Princes, who were then his own Sons, to wit, *Roger* Duke of *Puglia*, *Anſuſus* Prince of *Capua*, and *Tancred* Prince of *Taranto*; for at this Time, as *Hugo Falcandus* [2] relates, none could aſpire to the Title of Prince or Duke, excepting the King's Sons; and therefore *Roger*, in this Conſtitution calls them *Principes noſtros*. And this is that Conſtitution ſo much commended by *Frederick*, and which he afterwards extended to all other Contracts, Alienations, Tranſactions, Arbitrations, and *Excambions*, giving Power to thoſe, who, without his Conſent and Liberty, ſhould make Alienations, to revoke them *proprio jure*, which ſtill continues to be practis'd at this Day, and is quoted by our Barriſters, who have a great Regard for this Conſtitution of *Frederick's* [1], it begins, *Conſtitutionem Divæ memoriæ Regis Rogerii Avi noſtri ſuper prohibita diminutione Feudorum, & rerum Feudalium ampliantes*, &c.

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[1] L. Raptus, C. de Raptu vir.

[2] Falc. ſol. 69, & 70.

THE Eleventh, which we read under the third Title of the ſame third Book, deſerves no leſs Conſideration; for by it we ſee that it has always been lawful for Princes to reſtrain, and hinder their Subjects from taking any Orders, when it was a Detriment to the Commonwealth, or the King's Royalties. So we ſee that *Conſtantine the Great* prohibited thoſe that were Rich to do ſo; and the Emperor *Mauritius* hinder'd his Soldiers from turning Monks, of which *Gregory the Great* ſo much complain'd, though he did not look upon it as a Thing not in the Emperor's Power to command; but that it was of pernicious Conſequence, out of worldly Reſpects, thus to put a Reſtraint on the godly Motions of the Soul. *Roger* by this Law, moderating another of his Conſtitutions, by which all Plebeians in general, without the Permiſſion of their Maſters, were forbid to take Orders; eſtabliſh'd, that only thoſe Plebeians could not take Orders, who were tied to perſonal Service, ſuch as the *Aſcriptitii*, Ploughmen, and ſuch like; but thoſe that were oblig'd to ſerve on account of their Holding, or Eſtate, wherewith they had been inveſted, could do ſo even without the Leave of their Superiors; but in ſuch Caſe, they were firſt to reſign their Eſtate, and then take Orders.

ROGER's twelfth Law, under the Title *de dotario conſtituendo*, likewiſe relates to Fiefs, and is the Second that this Prince publiſh'd about them. In this, Barons and other Feudatories, notwithſtanding the Prohibition of Alienating, are allowed to ſettle a Dowry on their Wives, anſwerable to the Fiefs they poſſeſs, and according to their Number and Quality. Counts and Barons, who hold ſeveral Caſtles, are allow'd to aſſign one of them for a Dowry to their Wives, provided it be not that Caſtle, from which the Barony or County takes its Name. Thus it ſhall not be lawful for the Count of *Caſerta* to give *Caſerta* for a Dowry; but another Caſtle of his County; whence our Authors [2] have learnt, that the giving a ſimple Aſſent, never extends to the Head of the Barony or County.

THE Thirteenth, which we have under the Title *de Matrimoniis contrahendis* [3] likewiſe deſerves Conſideration. By it we ſee plainly, that in *Roger's* Time it was not look'd upon as an improper Thing for Princes, to eſtabliſh Laws concerning Matrimony; of which *Giovanni Launojo* has taken Notice in his Treatiſe; *Regia in Matrimonium poteſtas* [4]; neither has he neglected that of *Frederick* II. which begins, *Honorem noſtri Diadematis*, agreeable to this of *Roger's*. The Popes had not as yet aſſum'd to themſelves this Authority, which afterwards by *Innocent* III. [5], and more by ſome of his Succeſſors was look'd upon as peculiar to them, and which they uſurp'd from the ſecular Princes. The *Theodoſian* and *Juſtinian* Codes are full of thoſe Laws, and till the Times of *Theodorick* and *Luitprand*, Kings of *Italy*, we read, that ſecular Princes not only made Laws concerning the Manner and Form of contracting Marriages, but likewiſe regulated the Degrees, in which they were forbidden, and it was the Prerogative of Princes to diſpenſe with them; and *Caſſiodore* in his Books, has left us the Form of ſuch Diſpenſations. *Roger* in this Law order'd, that Marriages, after Betrothing, and the Prieſt's Bleſſing, ſhould be ſolemnly and publickly celebrated, and altogether prohibited clandeſtine Marriages, inſomuch that the Sons born of ſuch Marriages, were not to be reputed lawful, nor could they ſucceed to their Fathers, neither by Teſtament nor *ab inteſtato*; and the Daughters were to loſe their Portions, as if neither Portion nor Marriage could proceed from Contracts enter'd into againſt his Law. Neverthleſs he did not ſubject Widows to the Rigour of this Law; neither did it take place with regard to Marriages contracted before the Publication of it. *Frederick* II. afterwards put another Reſtraint upon the Counts, Barons, and all the other Feudatories, that they could not marry without his Conſent; and Women being allow'd to ſucceed to Fiefs, the Barons were forbidden to give their Daughters, Grandchildren or Siſters in marriage without his Approbation, that the Fiefs might not be tranſmitted to ſtrange Families, of whoſe Fidelity it concern'd the Prince to be well ſatisfied, as he order'd it in the Conſtitution *Honorem noſtri Diadematis*, under the Title *de Uxore non ducenda ſine permiſſione Regis*.

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[1] Conſtit. Regn. lib. 3. tit. 5.

[2] Afflict. deciſ. 265. 2. col. Loffr. in paraphr. c. 8. col. 3. in prin. & in conſ. 39. num. 30.

[3] Conſtit. lib. 3. cap. 1.

[4] Laun. 3. par. art. 2. cap. 8.

[5] C. Inhibitio de Clan. deſponſ.

ANDREA D'ISERNIA, who was a Guelf, and therefore a Detracter of *Frederick*'s Actions, writing under the Kings of the Family of *Anjou*, in an Age wherein other Maxims prevail'd, and blaming *Frederick*, to the Words *Honorem noſtri Diadematis*, adds, *imo deſtructionem animæ iſtius Frederici Imperatoris prohibentis per obliquum matrimonia inſtituta a Deo in Paradiſo*. As if it had not belong'd to the Oeconomy of the Prince to make Laws concerning Matrimony, and more eſpecially that of his own Barons [1], and often to put a Stop to it, when it was evident that it would prove prejudicial to the State, occaſion'd inteſtine Broils betwixt noble Families, and bred Factions; of which our Authors, and among the reſt *Franceſco Ramos* [2], have treated at large. And beſides 'tis certain, that *Frederick* was not the firſt, who eſtabliſh'd this Law, he found it in his Kingdom, and its firſt Author was *William* ſurnam'd the *Wicked*. The Barons did not complain of the Law, but of the bad Uſe that *William* made of it, for this Prince, that the Fiefs might devolve to himſelf, either never gave his Conſent to the Marriage of their Daughters, or delay'd it till they were old and paſt Child-bearing, of which, according to *Hugo Falcando* [3], the Grandees of *Sicily* not only complain'd, but on that very account rais'd a Rebellion againſt *William*. This Law was obſerv'd in *Sicily* till the Reign of King *James*, who in a Parliament held there, caus'd it to be aboliſh'd [4]. And with us it continued to the Reign of *Charles* II. of *Anjou*, who in one of his *Capitula* [5], eſtabliſh'd in the Plain of St. *Martin*, reform'd it.

NEITHER is *Roger*'s fourteenth Law leſs remarkable, under the Title *de Adminiſtrationibus rerum Eccleſiaſticarum poſt mortem Prælatorum*; for we find in it many conſiderable Matters. Firſt, what *Roger* ſays is well worth our Notice, that all the Churches of his Kingdom, and particularly thoſe that want Paſtors, were under his Protection. Secondly, that ſeeing according to an uninterrupted and never contraverted Cuſtom, after a Prelate's Death, the King's Officers took the Care and the Adminiſtration of the Revenues, until the Church was provided; if theſe Officers did not perform their Duty according to the Directions given them; he thought fit to make a Law, by which he order'd, that after the Death of Prelates, the Officers were no more to have the Adminiſtration and Care of Churches; but that they ſhould be committed to three of the beſt, moſt faithful and diſcreet Perſons of the Church, who were to have the Charge and Direction of them till they ſhould be provided; in the mean time they were to diſtribute the Incomes, one Part to thoſe that ſerv'd the Cure, and the other for the Fabrick, or other Neceſſaries of the Church; and when the Paſtor was elected, the Remainder was to go to him, or he was to have an Account how it was laid out. The *Spolia*, introduc'd ſince by the Court of *Rome*, were not known then, and would have been look'd upon as tending not only to the Ruin of Eccleſiaſtical Diſcipline, but of the good Government of Kingdoms; all belong'd to the Church, and was laid out for the Uſe thereof, and the Remainder was reſerv'd for the Succeſſor. There were no Nuncios, nor Collectors, nor Commiſſaries, to plunder the Prelate's Houſe before his Breath was well out [6]. Whence our Kings, as well as thoſe of *France* boaſt of their *Regalia*, which among others, King *Conrad* claim'd [7]; and have always taken care that the Revenues of Churches ſhould not be put to wrong Uſes, and have often order'd them to be ſequeſtrated for the Repair of the Fabricks, and therefore made many uſeful and wholeſome Laws to that Effect, witneſs *Ferdinand* I. of *Arragon*, King *Frederick*, the great Captain, the Duke of *Alcala*, and others, as may be ſeen in *Chioccarello* [8].

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[1] V. Andreas diſput. Feud. cap. 3. §. 8. num. 46.

[2] Ramos ad L. Jul. & Pap. lib. 3. cap. 49, 50 & 51.

[3] Hug. Falcand. Hiſt. Sic. Filias ſuas innuptas domi toto vitæ tempore permanere; nec enim inter eas abſque permiſſione Curiæ matrimonia poſſe contrahi; adeoque difficile permiſſionem hanc hactenus impetratam, ut alius quidem tunc demum liceret nuptui dare, cum jam omnem ſpem ſobolis ſenectus ingruens ſubſtuliſſet; alias vero perpetua virginitate damnatas ſine ſpe conjugii deceſſiſſent.

[4] Cap. Regn. Sicil. cap. 22. in Matrimoniis.

[5] Cap. Item Statuimus, de Matrim. contrah.

[6] V. D. Juan. Chumacero y Carillo, Memorial. c. 8, 9. numb. 61.

[7] Diploma Conradi apud Math. Paris in Hiſt. Anglic.

[8] Chioc. tom. 17.

NEITHER ought we to neglect that which *Andreas d'Iſernia* [1] obſerv'd upon this Conſtitution of *Roger*, which he erroneouſly believ'd to be *William*'s, ſaying, that when it was eſtabliſh'd, it appear'd to be juſt and regular, becauſe the Volume of the Decretals was not then compil'd; and that tho' *Roger* made this wholeſome Law, yet afterwards, the Canoniſts would not receive theſe Laws of ſecular Princes, *etiam ſi pro eis condantur, quia nolunt, ut ponant falcem in meſſem alienam.* But before the Volumes of the Decretals came forth, it was not prepoſterous in Princes to eſtabliſh ſuch Laws, and particularly our Princes, who having founded almoſt all the Churches in the Kingdom out of their own Patrimony, it was but juſt, that they ſhould be under their Power and Protection.

WE have *Roger*'s fifteenth Conſtitution in the third Book, under the Title *de Prohibita in terra Demanii conſtructione Caſtrorum.* Whereby he forbids any Perſon whatſoever, to build Caſtles or Forts, under Colour of better Defence, within the King's Demains; but that thoſe of the King, or his Royal Protection, were to be their Security. The Sixteenth, is under the Title *de injuriis curialibus perſonis irrogatis*, by which, in puniſhing Offences, the Judges are order'd to have a ſpecial Regard to the Perſons againſt whom they are committed, by whom, in what Place, and at what Time; and if they are done againſt his Officers, he declares the Offence not only as done them, but likewiſe his Royal Dignity to be offended.

THE ſeventeenth Law, which is under the Title *de probabili experientia Medicorum*, is the firſt that was eſtabliſh'd among us, in order, as much as poſſible, to prevent thoſe Miſchiefs, occaſion'd by the Ignorance of Phyſicians. Formerly the moſt prudent *Romans* look'd upon the Choice and Approbation of Phyſicians, as not belonging to the *Præſides* of the Provinces, but to the *Decuriones* of the Cities, for the Reaſon which *Ulpianus* [2] elegantly expreſſeth in theſe Words; *Ut certi de probitate morum, & peritia artis, eligant ipſi, quibus ſe, liberóſque ſuos in ægritudine corporum committant.* By this Law *Roger* ordain'd, that none ſhould practiſe Phyſick, but thoſe who ſhall firſt preſent themſelves before his Officers and Judges, in order to be examin'd, and declar'd qualified for that Employment, and if any ſhould be ſo bold as to practiſe Phyſick without this Examination, they are to be impriſon'd, and to have their Goods confiſcated. *Frederick* II. explain'd this Law of his Grandfather more at large, and eſtabliſh'd many other Laws concerning Phyſicians, by which the *Schola Salerni*, was erected into an Academy, as alſo that of *Naples*, where this Prince was pleas'd to found another more famous and renown'd, as ſhall be related when we come to treat of the Actions of this glorious Emperor.

We likewiſe read under the Title *de nova militia*, another Conſtitution of *Roger*'s, which is the Eighteenth, by which he forbid the inrolling of any Perſons in the Army, if they were not of military Extract; and likewiſe allow'd none to be Judges, or Notaries, but thoſe whoſe Fathers had been of the ſame Profeſſion. *Frederick* confirm'd this Law by the following Conſtitution, and alſo added, that no Perſon of mean Extract could exerciſe theſe Offices, nor ſerve in the Army, if by the Father's Side he was not deſcended of Soldiers. However 'tis true, what *Bartholomew* of *Capua* atteſts, that in his Time theſe Conſtitutions were not obſerv'd in the Kingdom of *Sicily*, though he had heard that ſuch was the Practice in *France*, which *Roger* would imitate. And *Summontes* very appoſitely obſerves, that this Conſtitution was *Frederick*'s and not *Roger*'s, as the Inſcription in the vulgar Edition bears, by which it's evident, that by this, *Frederick* confirms that of his Grandfather *Roger*, for the preceding is mention'd in theſe Words, *contra prohibitionem divæ memoriæ avi noſtri.* Beſides, this is confirm'd by what *Ricardo da S. Germano* relates in his Chronicle, wherein he ſays, that amongſt the other Conſtitutions which *Frederick* made in the Parliament held at St. *Germano* in the Month of *February*, of the Year 1232, that *de Militibus* was one; as *Tutini dell' Origine de' Seggi* alſo obſerves [3].

THE Nineteenth, is that which we have under the Title *de Falſariis*, by which thoſe who ſhould counterfeit or alter the King's Writs, or Seal, are to be puniſh'd capitally. The Twentieth is under this Title, *de cudentibus monetam adulterinam*, whereby not only the Coiners of falſe Money were to be puniſh'd with Death, but likewiſe thoſe who ſhould knowingly receive it, or in any Manner conſent to ſo great a Crime. The Twenty-firſt is under the Title *de raſione monetæ*, by which thoſe are likewiſe puniſh'd with Death, and their Goods confiſcated, who ſhall be ſo bold as to clip, or in any manner diminiſh the Gold or Silver Coin.

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[1] And. d'Iſernia non erat compilatum volumen Decretalium. Et quamvis utiliter ſtatuat pro Eccleſiis, tamen Canoniſtæ non recipiunt leges Principum ſecularium, etiam, &c.

[2] Ulp. lib. 1. D. de decr. ab ord. faciend.

[3] Tutin. Orig. de Seg. cap. 14.

WE afterwards read Seven other Laws diſpos'd under as many different Titles, by which Forgers are condemn'd to various Puniſhments. The firſt excuſes thoſe who ignorantly ſhall make uſe of falſe Writs. The ſecond puniſhes with *pœna falſi* thoſe who ſhall imploy falſe Witneſſes. The third condemns to the ſame Puniſhment, thoſe who conceal, raze or cancel publick Deeds. The Fourth, deprives thoſe of their paternal Inheritance, who cancel or conceal their Father's Wills, in order to ſucceed them *ab inteſtato*. The Fifth declares, that the Quality of the Perſon aggravates, or leſſens the *pœna falſi*. The Sixth inflicts capital Puniſhment on thoſe who ſhall have or ſell Poiſon, or hurtful Medicines, to diſtemper one's Senſes; and the Seventh declares, that they ſhall not go unpuniſh'd, who ſhall give Love-potions, or hurtful Food, altho' no Harm ſhould follow; which Conſtitutions were afterwards approv'd of by *Frederick*, and more fully explain'd in the following Titles.

By the following Laws of this Prince, we clearly ſee among his other Virtues, how much he had at Heart the Chaſtity and Honour of Women. By the Twenty-ninth, which we have under the Title *de pœna Adulterii*, Husbands cannot purſue their Wives before a Judge for Adultery, if they ſhall allow them, in their own Preſence, to commit laſcivious and lewd Actions with their Gallants; and in the Thirtieth, which follows under the Title *de prohibita quæſtione fœminæ*, not only Infamy, but ſevere Puniſhment is to be inflicted on Husbands that ſhall ſuffer their Wives to commit Adultery.

THE other Six that follow are no leſs to be commended; by the firſt he prohibits modeſt Women to converſe with Proſtitutes; to whom nevertheleſs no Violence is to be offered. By the Second, *de repudiis concedendis*, the Husband is allow'd to demand a Bill of Divorce againſt his Wife, provided he has juſt Cauſe to accuſe her of Adultery. By the Third, *de Lenis*, Bawds and Pimps, are to be puniſh'd in the ſame Manner as Adulterers. The Fourth, confirm'd afterwards by *Frederick*, is terrible againſt Mothers, who proſtitute their Virgin Daughters; for, beſides their being puniſh'd as Bawds, their Noſes are to be cut off; it ends with theſe ſerious Words; *Caſtitatem enim ſuorum viſcerum vendere, inhumanum eſt, & crudele:* But if any Daughter ſhall have proſtituted herſelf, and the Mother only give her Conſent, the Puniſhment is left to the Diſcretion of the Judge. By the Fifth, under the Title *de pœna Uxoris in adulterio deprehenſæ*, the Husband is allow'd to kill both the Wife and the Adulterer, provided he find them in the Act, and do it without delay; and by the Sixth, under the Title *de pœna Mariti ubi Adulter aufugit*, it is enacted, that if the Husband ſuffer the Adulterer to eſcape, and ſhall keep the Wife, he is to be puniſh'd as a Pimp, unleſs he could not prevent his Eſcape.

ROGER having thus by theſe Laws ſecur'd Womens Virtue, was no leſs careful of the Security of Men; for which End we read other Three of his Laws, which are the laſt we have of this Prince, and compleat the Number of Thirty-nine. By the firſt, under the Title *de venditione liberi hominis*, he who ſhall knowingly ſell a free Man, is condemn'd to Slavery. By the Second, under the Title *de incendiariis*, thoſe, who maliciouſly ſhall ſet Fire to another Man's Houſe, are to ſuffer capital Puniſhment. And by the laſt, the ſame Puniſhment is inflicted on any Perſon, who, by coming down a ſteep Place, ſhall looſen and tumble down a Stone, or a Branch, by which a Man is killed, and does not cry out, or give Advertiſement; the Rigor of which was afterwards moderated by *Frederick* in one of his Conſtitutions.

THUS did *Roger*, by theſe provident and uſeful Laws, ſettle and re-eſtabliſh his Kingdom. And tho' ſome of theſe Laws concern'd Marriage, Divorce, Church Government and the Clergy, yet Princes were not thought to exceed the Bounds of their ſecular Authority, when they made them. Thoſe Complaints were not as yet heard of, which the Popes made afterwards concerning the Breach of their Eccleſiaſtick Immunities, and that it was *mittere falcem in alienam meſſem*, for Princes to make ſuch Laws. But it was not long before they put in their Claim, which was done by Piece-meal, till *Gregory* IX. put the laſt Hand to it, by reducing into one Body all the Reſcripts which made for the *Roman* Grandeur, and wreſting to general Uſe, thoſe that were intended for a particular Place, and perhaps for one ſingle Caſe only, and publiſh'd the Decretal, which laid the firſt Foundation of the *Roman* Monarchy. Thus in our Kingdom, to the antient *Roman* Laws, retain'd rather as Cuſtoms, than written Laws, and to the *Longobard* Laws, *Roger* added his Conſtitutions, which, without reſpect to the *Roman* and *Longobard*, were reputed particular Laws; whereas the former were common and general ones.

SECT. I.

Of the particular Feodal Laws of this Kingdom.

BUT, as we have ſaid elſewhere, Baronies and Fiefs being multiplied in theſe Provinces, as they were likewiſe over all *Italy*, a new Law call'd the *Feodal* alſo ſtarted up. This was at firſt introduc'd into the Cities of *Italy* by the Cuſtoms of the *Longobards*, which were various and different, according to the ſeveral Uſages of each City; ſo that the Feodal Law at firſt, could only be ſaid to be the unwritten *Longobard* Law, whence ſome have wittily call'd it the *Child of Time*, introduc'd into *Italy* by the *Longobards*, not by Writ, but Cuſtom; it prevail'd afterwards to that Degree, that *Conrad the Salick* firſt thought fit to add it to the written Laws; as the other Emperors his Succeſſors, after his Example did; ſo that the common Feodal Law was made up of the Feodal Cuſtoms introduc'd by the *Longobards*, and the written Laws of the Emperors; and when other Countries came to adopt it, it was firſt receiv'd in *Italy*, and afterwards over all *Europe*. And for this Reaſon, with reſpect to Fiefs, there was no Difference betwixt thoſe who liv'd under the *Longobard* Laws, and thoſe who were govern'd by the *Roman*; for the *Romans* knew not what Fiefs were, and when a *Roman* was inveſted with a Fief, he was oblig'd to obſerve the *Longobard* Law, by which Fiefs were regulated, ſeeing nothing could be gather'd from the *Roman*.

AS this *Jus commune Feudale*, was equally obſerv'd over all *Italy* before *Roger*'s Time, ſo it had Force and Authority in theſe our Provinces. But now that *Roger* had form'd them into a Kingdom, and withdrawn them from the Empire, as this prudent Prince had added his own Laws, particularly adapted to his own Dominions, to the common *Roman* and *Longobard* Laws, ſo likewiſe he would add to the common Feodal Law, ſome particular Feodal Laws of his own, which were to be obſerv'd in his Kingdom, and among his Conſtitutions which are yet extant, there are Two concerning Fiefs. The two *Williams* his Succeſſors, following his Example, added other Feodal Laws; and laſtly, *Frederick* II. eſtabliſh'd many more, which we read in the Volume of Conſtitutions; whence in our Kingdom the *jus commune Feudale*, contain'd in the Feodal Books, is not the ſame with our particular Feodal Law, which began by *Roger*, and afterwards inlarg'd with many Conſtitutions, Pragmaticks, *&c.* by *William* and *Frederick*, and other Kings, came to be what we now ſee it, as we ſhall ſhew in a more fit Place. But we are to obſerve, that *Frederick* II. being both Emperor and King of *Sicily*, thoſe Conſtitutions of his, which we find in the Feodal Books, belong to the *jus commune Feudale*; and thoſe which are in the Volume of our Conſtitutions, to the *jus Feudale particulare* of the Kingdom of *Sicily*.

ROGER then, as he was the firſt, who added new Laws to the *Roman* and *Longobard*, ſo he was likewiſe the firſt, who, to the common Feodal Law, added new particular Feodal Laws in his Kingdom, by which a new Method of ſucceeding to Fiefs contrary to the *Longobard* Laws, was introduc'd; and it was on this Account, that the new *jus Francorum* was brought in, whence with us, that Diſtinction of Fiefs, *de jure Longobardorum, & Francorum*, became ſo famous.

AMONG the other good Qualities of this Prince, that Cuſtom of informing himſelf of the Laws and Uſages of other Nations, is much applauded by Writers, and what he thought commendable, he introduc'd into his Kingdom; but he lov'd no Nation ſo much as the *French*, from which he was deſcended; therefore he choſe to introduce all thoſe Uſages, and Cuſtoms which he obſerv'd in that moſt flouriſhing Realm, into his own new Kingdom; for the ſame Reaſon, as we ſhall ſhew anon, he brought into it the Seven Officers of the Crown as they were in *France*; but being too great a Lover of the *French*, he gave Jealouſy and Uneaſineſs to his Subjects of *Sicily* and *Puglia*, who ſaw themſelves neglected and Foreigners preferr'd[1].

HENCE, as we have ſaid, the Fiefs *juris Francorum* had their Riſe in our Kingdom, for *Roger* often ſending to *France* for Captains and *French* Soldiers, and that Nation being look'd upon as ſuperior to all others for military Valour, he made uſe of them in all his difficult Expeditions; and *Hugo Falcandus* ſays, *Tranſalpinos maxime cum ab Normannis Originem duceret, ſciretque Francorum gentem belli gloria cæteris auteferri, plurimum diligendos elegerat, & propemodum honorandos.* And this Cuſtom was alſo kept up afterwards by the Two *Williams* his Succeſſors; but in the beginning of the Reign of *William* II. the *French* were in ſo great Favour at his Court, that he did not ſtick to make a *Frenchman* his High Chancellor, whence that Nation grew ſo numerous in his Court, that it gave great Offence to the Natives[2].

THUS it happen'd, that thoſe Captains fighting gallantly under the Banners of *Roger*, and the two *Williams*, were by them inveſted with many Fiefs, ſo that they forſook *France*, and ſettled their Families in theſe Provinces; but did not relinquiſh their own Cuſtoms which they had brought from Home; and till the Time of *Frederick* II. they were allow'd to have their Cauſes tried in the Courts of Juſtice, according to the Laws and Cuſtoms of their own Country, among which the moſt conſiderable was, that the eldeſt Son ſucceeded to the Fiefs, excluſive of all the other younger Brothers, contrary to what was very imprudently practis'd by the *Longobards*, who divided their Fiefs amongſt all their Sons, to the Decay both of their Families and Fiefs; and was the chief Cauſe of their Ruin in theſe Provinces, as we have formerly obſerv'd. Over all *France*, as *Otho Friſingenſis* and *Cujacius* witneſs[3], it was wiſely ordain'd, that the eldeſt Sons only ſhould ſucceed to Fiefs, as the ſure way to preſerve the Grandeur of their Families. Accordingly all thoſe *French* Captains and Soldiers, that were inveſted with Fiefs in theſe Provinces, kept up that Cuſtom; and *Roger* and the two *Williams*, not only allow'd of it, but likewiſe of all their other Laws; inſomuch that *Frederick* II. in order to avoid the Confuſion which thoſe ſo different Laws occaſion'd in this Kingdom, was forc'd to eſtabliſh a ſpecial Conſtitution, under the Title *de jure Franc. in Judic. Subl.* by which he revok'd that Privilege of uſing their own Cuſtoms; and by that his other famous Conſtitution *Monomachiam*, he aboliſh'd that barbarous Cuſtom of Duelling, which they practis'd.

HOWEVER he did not forbid, but approv'd of as very commendable, their Cuſtom, whereby the eldeſt Son ſucceeded to the Fiefs; whence it came to paſs, that with us all Feudatories were diſtinguiſh'd by Franks, and *Longobards* by Franks, meaning thoſe who ſucceeded to Fiefs *jure Francorum*, and by *Longobards*, thoſe who according to the antient Uſage, admitted all their Sons to ſucceed to their Fiefs. The *jus Francorum* therefore, was look'd upon as a ſpecial Law, with reſpect to the *jus Longobardorum*, which was the common Law, inſomuch that *Andrea d'Iſernia*[4] writes, that he who call'd himſelf a Frank, and therefore not oblig'd to divide with his Brothers, but alledg'd a ſpecial Law for it, was bound to prove it, becauſe it was commonly preſum'd, that every Man was to be govern'd according to the *jus commune* of the *Longobards*, which appointed Fiefs to be divided amongſt Brothers.

THIS ſpecial Law then of ſucceeding to Fiefs after the Manner of the *French*, was introduc'd into the Kingdom by *Roger*, who not content with having eſtabliſh'd ſo wholeſome Laws in his Kingdom, and having introduc'd new Cuſtoms and Uſages from *France*; he would likewiſe bring in the Chief Officers of the Crown according to their Uſage, and other new Dignities, to make his Kingdom the more Majeſtick.

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[1] Hug. Falcand.

[2] Ibid.

[3] Cujac. lib. 1. de Feud. tit. 9. in fin.

[4] And. Iſer. in Conſt. proſequentes.

CHAP.

CHAP. VI.

Of the Officers of the Crown.

AFTER the ſublime Dignity of *Maire of the Palace* was ſunk in *France*, in the Line of *Hugh Capet*, it was thought both convenient and neceſſary to ſuppreſs and extinguiſh it intirely, it having been moſt pernicious to the Princes, as may be ſeen in the Reign of *Chilperick*. The Suppreſſion of this high Dignity gave Riſe to four other great Offices, which had formerly been ſwallow'd up in that of the *Maire of the Palace*, who was therefore call'd Chief of Chiefs, and Duke of Dukes; and very juſtly liken'd to the *Præfectus Prætorio* under the laſt *Roman* Emperors. All Cauſes relating to War, Peace, Juſtice, the Finances, and the King's Houſhold were brought before him: In fine, he was Superintendant-General of all the Officers of the Kingdom, without Exception.

THEY who executed theſe four Offices were call'd *Officers of the Crown*, they were dignified with the Title of High, and acknowledg'd no other for their Head and Superior, but the King himſelf; but the High Conſtable was Intendant-General of War, and had the Command of the Armies in the Field. The High Admiral was Head of the Naval Forces, who in War and in Peace had the Command at Sea. The High Chancellor was the Chief Miniſter of Juſtice, and Head of all the Officers of Peace, and the Magiſtrate of Magiſtrates, on whom depended all the Judges and Protonotaries, and all the other inferior Chancellors. The High Treaſurer, or Chamberlain, was Head of the Chamber of Accounts, and ſupreme Officer of the Finances; and the High Steward was Judge of the King's Houſhold, and had the Government thereof.

ALL theſe were call'd Officers of the Crown, or Kingdom, becauſe they did not concern themſelves with the Service of the King's Perſon, but with that of the Kingdom; and *Roger*, as ſoon as he had eſtabliſh'd his Kingdom, introduc'd theſe Officers, together with the leſſer ſubordinate Ones. Formerly theſe our Provinces had no ſuch Officers, but the Offices were perform'd by different Perſons under other Titles; and tho' the *Goths* had ſome Knowledge of them, as may be ſeen in *Caſſiodore*, from whom 'tis thought the *French* took them; yet theſe having been driven out by the *Greeks*, and the *Greeks* by the *Longobards*, we find that neither of them made uſe of ſuch Officers, while they govern'd theſe Provinces [1]. The *Greeks* govern'd them by *Stratici*, and *Catapani*; whence there is yet ſome Veſtige among us of theſe Officers. In *Salerno* the Title of *Stratico* is ſtill kept up, as alſo in *Meſſina*. In *Puglia* the *Catapani* were very famous, whence a Province of this Kingdom retains the Name of *Capitanata* from the Title of this Magiſtrate. The *Greeks* had other Officers, ſuch as the Maſters of the Horſe, by whom the Dukedom of *Naples* was long govern'd. They had Patricians; the *Protoſpata*, and many others; but never thoſe abovemention'd. Only there are ſome who ſay, that the Office of Protonotary was originally *Greek*, but of that we ſhall ſpeak in its Place.

THE *Longobards* certainly had no ſuch Officers, they divided their Governments firſt into *Caſtaldati*, over each of which they put a *Caſtaldo*, to whom belong'd both the Affairs of War and Juſtice. Afterwards they created Counts, who at firſt were only Officers, and not Lords; each having the Government of a County committed to him, till in proceſs of Time that began to be alter'd, and from Offices they were converted into Fieſs and Lordſhips, as we have obſerv'd elſewhere.

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[1] Marin. Frecc. de Subfeud. pag. 21. a ter.

THEREFORE it was the *Normans*, and eſpecially the renown'd *Roger*, who, after he had united his Dominions into a large and potent Kingdom, thought fit to introduce thoſe Offices, which in other Kingdoms, and particularly in *France*, were look'd upon as peculiar to the Royal Crown, and as ſo many Lights made it ſhine the brighter.

SECT. I.

Of the High Conſtable.

THE High Conſtable, according to the general Opinion of Writers, and juſtly, was exalted above all the reſt, and held the firſt Place. At the firſt Inſtitution, he was call'd by the *French*, the King's Great Maſter of the Horſe; and therefore by *Aimon* [1] he is call'd *Regalium Præpoſitus Equorum*, as his Title in *Latin Comes Stabuli* likewiſe imports, and which we frequently meet with in ancient Books. *Caronda* [2] quotes many Paſſages; *Loyſeau* [3] is of the ſame Opinion, contrary to that of ſome Moderns, and eſpecially *Cujacius* [4].

HE has two great Prerogatives; the one as Keeper of the King's Sword, for at his Promotion to this high Dignity, the King delivers him his naked Sword into his Hands, upon which at that Inſtant he ſwears Fealty, and does Homage, juſt ſo as is related of the Emperor *Trajan*, who giving his naked Sword to *Sura Licinius*, *Præfectus Prætorio*, ſaid theſe remarkable Words to him: *Accipe hunc enſem, ut ſi quidem recte Reip. imperavero pro me, ſin autem ſecus, in me utaris.* Therefore the Badge of this Dignity is a naked Sword, as our *Torquato Taſſo* has well expreſs'd it in the Perſon of the High Conſtable of *Egypt*, whom he places in that Aſſembly on the King's Right-Hand, as having the firſt Place above all the other Officers of the Crown, and gives him the naked Sword for his Badge.

A Sword was put into the Worthieſt's Hand
Naked, an Emblem of auſtere Command.

THE other Prerogative is, that in the Armies he has the Command over all Perſons, even the Princes of the Blood; appoints the Quarters, Diſciplines the Troops, diſtributes the Centinels; the Marſhals, and all other inferior Officers take their Orders from him: In fine, he has the ſupreme Command of the Armies while they are in the Field.

BUT he exerciſes all this Authority and high Command in the Army only when they are in the Field, not when in Garriſon, nor does it extend to the Governors of Provinces; ſo that they are in the Wrong, who make the High Conſtable's Power the ſame with that of our preſent Viceroys, who not only have the Command of the Armies in the Field, but likewiſe in Garriſon; and all Governors of Provinces, and other Officers of the Crown, as well at Land as at Sea, are ſubject to them: But 'tis evident, that the Prerogatives of the High Conſtable are lodg'd in the Viceroys; for all Things relating to War belong to them, and they diſpoſe of the Armies in the Field, and all the Generals and Marſhals obey them; but when the Viceroy is out of the Kingdom, and none other deputed by the King, the High Conſtable, on ſudden Emergencies, and when Neceſſity requires it, may take his Authority upon him, and exerciſe his ancient Juriſdiction, according to *Marinus Freccia* [5].

THE firſt Conſtable that we find amongſt the ancient Records in the Reign of *Roger*, was *Roberto di Baſſavilla*, Count of *Converſano* [6]. He was the Son of another

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[1] Aimon lib. 3. cap. 7.

[2] Caron. *in the 1ſt Book of his Pandects*, cap. penult.

[3] Loyſ. Book 4. *Of the Officers of the Crown*, cap. 2. num. 15.

[4] Cujac. L. un. de Comit. & Tribun. Scolar.

[5] Frec. de Subfeud. de Offic. M. Comeſt. n. 23.

[6] Ug. Falc. hiſt. Sicil. fol. 21.

Robert, likewiſe Count of *Converſano*, and of *Judith* Siſter to *Roger*; he was employ'd by *Roger* in all his difficult Undertakings, and on account of his great Skill in military Diſcipline, deſerv'd to be rais'd by this Prince to that high Dignity. In the Reign of *William* I. he made himſelf more renown'd, and by this Prince was inveſted with the County of *Loritello*; but afterwards, he joining in Rebellion with ſome other Barons, put the Kingdom all in Confuſion, whereupon *William* ſtripp'd him of this Dignity, and gave it to *Simon* Count of *Policaſtro*, his Couſin, who was the ſecond Conſtable, of whom we ſhall have occaſion to diſcourſe more at large in the Reign of *William*; and in the Time of *William* II. *Robert* Count of *Caſerta* was Conſtable [1].

'TIS worthy of Obſervation, that theſe Conſtables (as alſo all the other ſupreme Officers) who were at firſt call'd *Maeſtri Conteſtabili*, and afterwards *Magni Conteſtabili*, were common both to theſe our Provinces, and to *Sicily*, till that Iſland was taken by the Kings of *Arragon* from thoſe of *Anjou*; and tho' our Barons were frequently rais'd to this Dignity, becauſe of their large Counties, and their Relation to the Princes themſelves, who at this Time did not think it below them to marry into their Families, and the great Figure they made above all the Barons of *Sicily*, yet they reſided on their own Eſtates; but when the *Norman* Kings fix'd their Royal Seat in *Palermo*, they regularly reſided at Court with the King, who employ'd them in the moſt important Affairs of State. Therefore there's no occaſion to confound them with the leſſer Conſtables, who were ſent to a particular Province, to whom either the Government of ſome City was committed, or the Command of ſome Regiments of Horſe or Foot was given; for tho' theſe were likewiſe call'd Conſtables, yet their Office was very different from and much inferior to that of the Great Conſtables, who were call'd *Regni Comeſtabuli*. Thus in the Chronicle of *Not. Riccardo di S. Germano*, written in the Time of *Frederick* II. we read, that *Philippo di Citero, erat Comeſtabulus Capuæ*. And in later Times we find many Charters recorded by *Tutini* [2], in which the Conſtableſhip was reſtricted to the Government of one City only, and to one particular Duty; ſo we frequently find in the Writs of the Royal Archives of *Zecca*, *Henricus Comeſtabulus Foggiæ*; and in ſome Inſtruments of the ſame Archives, we alſo read; *Franciſcus Garis Comeſtabulus Viginti quatuor Baleſtrarum*; and elſewhere, *Franciſcus de Diano Comeſtabulus Peditum*.

SO likewiſe the King's Maſters of the Horſe are call'd *Comeſtabuli Regii Hoſpitii*. And in like manner the Captains of the Soldiers that were in each Province of the Kingdom, whom we now call Captains of Batallions, got the Title of Conſtables. Therefore we find *Pietro della Marra* Conſtable of *Terra di Lavoro*; *Guglielmo Ponciaco* Conſtable of *Baſilicata*; *Mattia Geſualdo* Conſtable of *Principato*; *Gualtieri del Ponte* Conſtable of *Capitanata*; *Adamo Morerio* Conſtable of *Terra d'Otranto*; and *Gentile di Sangro* Conſtable of *Apruzzi*.

DURING the Reign of the Family of *Anjou* this Office loſt nothing of its ancient Splendor; on the contrary, according to *Marino Freccia*, *Charles* I. of *Anjou* was wont to give it with the ſame Prerogatives, and in the ſame manner that it was given in *France*, and ordain'd it to be juſt ſo exercis'd in his Kingdom of *Sicily*. And *Charles* II. his Succeſſor eſtabliſh'd many Statutes, recorded by *Tutini*, concerning the Great Conſtables, to whom he ſubjected all the Marſhals of his Kingdom. But now this Office, for Reaſons which ſhall be related in the Progreſs of this Hiſtory, is no more than a bare Title of Honour, its Authority for the moſt Part being lodg'd in the Perſon of the Viceroy; the Great Conſtables have only the Precedency in Parliament, and other ſolemn Occaſions, with ſome other Marks of Diſtinction, ſuch as to be cloath'd with Purple and Ermine, and to wear a little Cap; but tho' they enjoy theſe Honours, yet they have loſt the Salary formerly annex'd to them.

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[1] Notitia Judicati apud Pellegr. pag. 256.

[2] Tutin. dell' Offic. de Conteſt. nel. prin.

SECT. II.

Of the High Admiral.

AMONGST the Offices of the Crown that of High Chancellor ought to have the ſecond Place, as it hath in *France*, or as that of Lord Chief Juſtice hath now with us; but two Reaſons induce me to treat of the High Admiral next to the High Conſtable; the firſt, becauſe of the great Reſemblance of the two Offices; for both of them having the Direction of War, the one at Sea, and the other at Land, I am inclin'd to treat of the High Admiral before I proceed to the Officers of Peace and Juſtice; the other more prevalent Reaſon is, becauſe in the Time of theſe *Norman* Kings, the Dignity of High Admiral was eſteem'd ſuperior to that of High Chancellor, or any other Civil Officer; for theſe Kings were ſo powerful at Sea, that they came to be renown'd and dreaded over all the Eaſt, and carried their victorious Flags to the very Gates of *Conſtantinople*, and made ſurprizing Conqueſts in *Africa*, inſomuch that their Empire over the Seas was greater and more conſiderable than over the Land; whence it came to paſs, that in the Time of *Roger*, and the two *William*'s his Succeſſors, the High Admiral of *Sicily* was the higheſt Poſt that any could be rais'd to. So that we find the famous *Majone di Bari*, who in *Roger*'s Time was High Chancellor, was afterwards made High Admiral by King *William*, who had a great Eſteem for his Perſon; and *Hugo Falcandus* relating the State of the Court in the Beginning of the Reign of *William* II. when *l'Eletto di Siracuſa* was High Chancellor, and *Riccardo Mandra* High Chamberlain of the Houſhold, ſays, that *Matthæus Notarius cum ſciret Admiratum ſe non poſſe fieri, ob multam ejus nominis invidiam, Cancellariatum totis niſibus appetebat.*

IF we conſider the Buſineſs and Duty of this Office, there's no doubt of its being very ancient, for it was known amongſt the *Romans*, and more among the Eaſtern People bordering on the Sea; and in ancient *Gaul*, in *Cæſar*'s Time we frequently read of the *Præfecti Maris*, amongſt whom *Bibulus* was eminent. But indeed we do not find the Title of Admiral among the *Romans*; and I agree with thoſe, who take this not to be a Word of *Provence*, as *Alunno* [1] believ'd, but a *Saracen* Word, as *Fazzellus* [2], *Pietro Vincenti* [3], and *Tutini* [4], from many Paſſages in Hiſtory very well prove; for the *Saracens* were very powerful at Sea, whence we frequently meet with this Title of Admiral in their Hiſtories; and when they infeſted the Sea-Coaſt of the Eaſt, and a great Part of the Weſt, ſuch as *Spain*, *Africa*, and *Sicily*, they had many Sea Generals, whom they call'd *Admirals*.

THE *Greeks* likewiſe had ſuch an Office, and the laſt Emperors of the Eaſt, in order to oppoſe the Power of the *Saracens*, were alſo neceſſitated to have Naval Forces; and 'tis very probable, that it was the *Greeks* who firſt introduc'd them into theſe our Provinces, for in the latter Times there being nothing left them, but many Cities on the Sea-Coaſt, ſuch as thoſe of *Calabria*, and part of *Lucania*, *Amalphis*, *Naples*, and *Gaeta*, they were oblig'd to have Naval Forces to defend them againſt the *Saracens*, who had taken *Sicily* from them; and theſe Cities on this Side of the *Fare* were likewiſe in Danger of having the ſame Fate. And 'tis certain the *Amalphitans* became very powerful at Sea, and moſt expert in Maritime Affairs, inſomuch that they were a ſtrong Bulwark to the *Greeks*, who put their greateſt Confidence in them as to Sea Affairs; and as we have already obſerv'd, they improv'd the Art of Navigation to that Pitch, that beſides their frequent Voyages over all the Eaſtern Parts, they were look'd upon as Umpires of all Maritime Controverſies; and as in the Time of the *Romans*, the *Rhodians* exceeded all other Nations in Naval Affairs, inſomuch that the *Rhodian* Laws were a Rule to all the Nations of the Empire, by which all Diſputes about Sea Matters were decided; ſo with us, all Quarrels and Debates concerning Navigation were determin'd by the Laws and Cuſtoms of the *Amalphitans*; and *Marinus Freccia* [5] witneſſeth, that even in his Time, all ſuch Proceſſes were decided by the *Amalphitan* Laws. Whence it came to paſs, that the *Amalphitans* being wholly bent on Navigation, and expert in Naval Affairs, at laſt *Flavio Giſia*, an *Amalphitan*, and a Man of great Knowledge, in the Reign of *Charles* II. of *Anjou*, found out the Mariner's Compaſs, ſo neceſſary in Navigation.

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[1] Alun. Fabr. del. mon. num. 542.

[2] Faz. lib. 6. poſt Decad.

[3] Vinc. Teatr. de G. Ammir. nel. princ.

[4] Tutin. dell' Offic. dell' Ammir. nel princ.

[5] Frec. de Subfeud. lib. 1. de Offic. Admir. num. 8.

BUT now that the *Normans* had expell'd the *Saracens* out of *Sicily*, and the *Greeks* out of theſe our Provinces, in order to defend themſelves againſt the Invaſion both of the one and the other, they were likewiſe oblig'd to have a Naval Force. And what Progreſs the *Normans* made therein, eſpecially in the Time of the renown'd *Roger*, and the two *Williams*, is very evident from the Hiſtory of their Reigns. Therefore the Office of High Admiral in theſe Times was look'd upon as moſt honourable and illuſtrious; whence the Number of their Fleets being very great, it was thought fit to have many Admirals, and the firſt and chief of all was call'd *Ammiraglio degli Ammiragli*, the Admiral of Admirals.

HE therefore had the moſt eminent Prerogatives as to his Command at Sea, that could be imagin'd; he commanded at Sea both in Time of Peace and War; it was his Buſineſs to have the Inſpection of the Building of the King's Ships and Veſſels, and to ſee them repair'd, and diſpos'd of for the Good of Commerce; to keep the Harbours over all the Kingdom in good Repair, and the Sea-Coaſt obedient to the King; and all the other Admirals of the Provinces and Harbours, the *Protontini*, Calkers, Boat-Swains, Carpenters, and all the other inferior Sea-Officers were under his Direction [1].

AT preſent our High Admiral retains the Juriſdiction, both Civil and Criminal, over all the Officers that are ſubordinate to him, and over all Sea-faring Perſons [2]; for which end he has a particular Tribunal, where the Judges appointed by him, adminiſter Juſtice to all under his Command, and there are ſpecial Laws eſtabliſh'd for Sea Affairs, by which all Suits relating thereto are decided; and as with reſpect to Fiefs, we have a new Body of Feudal Laws, ſo likewiſe with reſpect to Sea Affairs, we have a new Body of Sea Laws, of which we ſhall treat by-and-by. The Admiral with us has for his Coat of Arms a Ship Lanthorn, which was borne of old by the High Admiral of *France*, who has now laid the Lanthorn aſide, and bears the Anchor [3]. He wears a Purple Robe, and in Parliament ſits on the King's Right-Hand, after, and next to the High Conſtable.

THE firſt we meet with in the Reign of *Roger* is *Giorgio Antiocheno*, who for his eminent Virtues, and Skill in Maritime Affairs, was invited from *Antioch*, and by this Prince made High Admiral, and was conſulted by *Roger*, as well in his Land as Sea Expeditions [4]: It was the Cuſtom of this glorious Prince, to invite from different Parts of the World, not only famous Warriors, but alſo learn'd Men. This great Captain gain'd many Victories in *Greece*, and carried *Roger's* victorious Banners to the Port of *Conſtantinople*. He reſcu'd *Lewis* King of *France*, who while he was returning from *Paleſtine*, had been taken by the *Greeks*, and was to have been deliver'd to the Emperor of *Conſtantinople*; for having rencounter'd the *Grecian* Fleet, he fought it, and ſoon ſet the *French* King at liberty, who was honourably receiv'd by *Roger* in *Sicily*, from whence he return'd to *France*. He was the firſt, who in publick Writs ſign'd himſelf *Georgius Admiratorum Admiratus*, as we ſee in the Writ quoted by *Tutini*; for as there were many Fleets, it was fit to have as many Admirals in different Parts of the Kingdom, ſo the firſt rightly ſtil'd himſelf the Admiral of Admirals.

THE next we find in the Reign of this Prince, is *Philip* the Eunuch; and, as *Claudianus* tells us, that *Eutropius* from an Eunuch was rais'd to be Conſul, ſo *Philip* was made High Admiral by *Roger*. *Philip*, according to *Romualdus* Archbiſhop of *Salerno* [5], was brought up from his Youth in *Roger's* Houſhold; he was juſt ſuch another as *Eutropius*, and by covering his Vices under the Cloke of Virtue, he inſinuated himſelf ſo much into the King's Favour, that he was thought worthy to be made Steward of the King's Houſhold; afterwards the King having a Mind to make an Expedition into *Turky*, for taking *Bonna*, pitch'd upon *Philip* to manage that War; and in the Year 1149, made him High Admiral, who having a ſtrong Fleet under his Command, took the City, and with a great Booty return'd in

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[1] Freccia lib. 1. loc. cit. num. 1.

[2] V. Tapp. de Jur. Regn. de Offic. M. Adm. num. 2. Taſſ. de Anteſ. ver. 3. obſ. 3. Tribun. 3. n. 221.

[3] Loyſeau des Offic. de la Cour. cap. 2.

[4] Chr. Romual. Gaarna M. S.

[5] Idem.

Triumph to *Sicily*, where he remain'd for a long time; but afterwards, ſeeing himſelf rais'd to ſuch a Pitch of Grandeur, he could no longer conceal his being of the *Saracen* Religion, which he had hitherto cloak'd under the Appearance of a Chriſtian; he ſoon diſcover'd that he abhorr'd the Chriſtians, and had a great Value for the *Jews* and *Mahometans*, by frequently ſending Meſſengers with Preſents to *Mecca* to the Tomb of the Impoſtor *Mahomet*. *Roger* having diſcover'd this Treachery, and being afraid, that if he did not puniſh his Villany, the *Saracen* Religion might again get footing in that Iſland, out of which with ſo much Pains and Trouble he had driven the perfidious *Saracens*, puniſh'd him ſeverely; for having caus'd the Learn'd Men, and Barons of his Council to be conven'd, *Philip* was condemn'd to be burnt, and accordingly the Sentence was publickly put in Execution before the Royal Palace.

AFTERWARDS, in the Reign of *William*, this Office of High Admiral was beſtow'd on the famous *Majone di Bari*, whoſe Exploits, ſo far as they have relation to the Deſign of this Hiſtory, ſhall be treated of at large in the following Book. *Majone* being rais'd to the firſt Honours of the Kingdom by *William*, exercis'd the Office of High Admiral more haughtily and independently. He likewiſe, as being ſo call'd by the King, ſign'd himſelf *Majo Admiratus Admiratorum*, having ſupreme Authority, and chief Command over all the other Admirals of the Kingdom.

WE have before obſerv'd, that in the Times of the *Normans* and *Suevi*, till this Kingdom was divided from that of *Sicily*, and this laſt ſubjected to the Family of *Arragon*, by the famous *Sicilian* Veſpers, there was one High Admiral who had command over all the other Admirals of the Provinces of both Kingdoms, contrary to the Cuſtom of *France*, where, when *Provence* was join'd to that Kingdom, there were four Admirals, one in *Guienne*; another in *Bretagne*; a third in *Provence*; who tho' he had not the Title of Admiral, but General of the Gallies, as now with us in *Naples*, nevertheleſs he had the ſame Power with the Admirals; ſo that there was nothing left to the ancient Admiral, but only the Coaſt of *Normandy* and *Picardy*, with the Title of Admiral of *France* indefinitely [1]; but the High Admiral of *Sicily* had the Command of all the other Admirals, therefore he was call'd *Admiratus Admiratorum*; for in all the other Parts of the Kingdom, on both Sides of the *Phare*, not only the Provinces, but even the Cities had their particular Admirals, all ſubordinate to the Chief and High Admiral. In ſhort, there were many Admirals in theſe our Provinces at the ſame Time, which is clear from the Chronicle of *Caſſino* [2], where ſome of them are frequently mention'd; and an Admiral reſided almoſt in every Maritime City, theſe formerly were made by the King, and had the Charge of the King's Wood and Ships, and in the latter Times of the Family of *Anjou*, they were call'd *Protontini*, and adminiſtred Juſtice to all Sea-faring Perſons, who liv'd in theſe Cities, and on theſe Coaſts. *Tutini* quotes ſeveral Writs, in which many are call'd Admirals of different Maritime Cities, ſuch as *Landulfo Calenda* Admiral of *Salerno*, *Liſolo Serſale*, and many others. Thus our *Norman* Kings eſtabliſh'd their Empire, not only at Land, but likewiſe at Sea, and appointed diverſe Officers, to whom the Government and Security of the Sea, Harbours, Commerce, Navigation, and Traffick were committed; therefore they took care alſo to make many Laws, which in proceſs of Time became a new Body of Laws; and like as, beſides the *Jus commune Feudale*, we had a *Jus particulare Feudale*, ſo beſides the *Jus commune Navale*, we had a *Jus particulare Navale* calculated for theſe our Provinces.

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[1] Chron. Romuald. M. S.

[2] Lib. 3. cap. 44.

SECT. III.

Of the Naval Laws.

THE *Romans* had no other Naval Laws but what they learn'd from the *Rhodians*; for the *Rhodian* Laws were ſo famous, as to be known over all that vaſt Empire; and the Emperors *Tiberius*, *Adrianus*, *Antoninus*, *Pertinax*, and *Lucius Septimus Severus* made many Laws approving of them, and giving them Force and

Vigour through all the Empire; whence came the *Jus Navale Rhodianum*, taken from the eleventh Book of the Digeſts [1], which, after it had a long Time lain buried in the Library of *Franciſco Piteo*, was at laſt publiſh'd. But after the Emperors of the Eaſt having fix'd their Reſidence in *Conſtantinople*, a City waſh'd by the Sea on three Sides, found their Empire began to decline, they laid greater Streſs on their Sea than Land Forces, and thought their Fleets a greater Security for the Provinces of their Empire, which for the moſt part border'd, or were ſurrounded by the Sea, than their Land Armies; for which reaſon we have many Laws concerning Sea Affairs, Commerce, the Security of Harbours and Navigation, made by the laſt Emperors of the Eaſt, which were partly collected by *Leunclavius* and *Petrus Peckius*, and partly by the incomparable *Arnoldus Vinnius*, who likewiſe exercis'd his noble Genius about theſe Laws, and made his Obſervations on *Peckius*.

BUT theſe Laws of the Emperors of the Eaſt underwent the ſame Misfortune with all their other Collections. According to *Marino Freccia* [2], it was from the *Amalphitans* that we learn'd our Naval Laws; neither is it unlikely, that the *Amalphitans*, by reaſon of their frequent Voyages, and continual Traffick they had with the Eaſtern Nations, learn'd them from the Laws of thoſe Emperors, or rather from long Experience, and the Riſque they run at Sea. And ſeeing at the ſame Time the *Catalans*, the *Arragonians*, the *Piſans*, the *Genoeſe*, and the *Venetians* had become powerful at Sea, and famous by their Voyages to the Eaſtern Parts, and elſewhere, as well as the *Amalphitans*, therefore a new Body of Statutes and Cuſtoms came to be fram'd, which now being abridg'd into a ſmall Volume, is to be had every where, intitled, *Il Conſolato del Mare*, whence Sea-faring Men are guided in deciding their Controverſies; which producing ſo good Effects, is approv'd of by all Princes, and the Rules thereof are as well obſerv'd as their own Laws and Statutes.

THESE *Capitula*, of which the *Conſolato del Mare* is compos'd, were approved of by the *Romans*, *Piſans*, *Lewis* King of *France*, the Count of *Thoulouſe*, and many other Princes and Sovereigns; and the Kings of *Arragon*, and Counts of *Barcelona* added others to them; and *Arnoldus Vinnius* is of their Opinion, who relate, that this Collection was made in the Time of St. *Lewis* King of *France*. It was afterwards printed in *Venice* by *Giovambatiſta Pedrezano*, who gave it this Title, *Il libro del Conſolato de Marinari*, and dedicated it to M. *Tomaſo Zarmora*, then Conſul in *Venice* for the Emperor *Charles* V.; it was afterwards, in the Year 1567, re-printed in *Venice*, and is now to be found every where; and in the Tribunal of the High Admiral of our Kingdom has all Force and Authority.

BUT our Princes, not content with this, made particular Laws for this Kingdom concerning Maritime Affairs. The Emperor *Frederick* II. beſides thoſe inſerted in the Code [3], made many Rules concerning the Office of Admiral, by which are preſcrib'd his Charge, his Duty, and how far his Authority ought to be extended. In the Time of the Kings of the Family of *Anjou*, many other *Capitula* were added to them, by which his Authority was limitted after a new manner, as may be obſerv'd in thoſe made by *Charles* II. of *Anjou* for *Philip* Prince of *Achaia* and *Taranto*, his fourth Son, when he made him High Admiral, which are tranſcrib'd by *Tutini*. Afterwards the *Arragon* Kings added many other Things to the *Capitula* of their Predeceſſors, which the High Admiral was to obſerve; and *Ferdinand* I. added many for *Roberto S. Severino*, Count of *Marſico*, when in the Year 1460. he made him High Admiral, likewiſe related by *Tutini*. And in the Times of the Family of *Auſtria*, many Pragmaticks were publiſh'd concerning this Office, of which we ſhall have occaſion to treat in their Place.

SUCH and ſo great was the Dignity of High Admiral, and his Charge ſo vaſt in former Times, that in order to regulate it, ſo many Rules were neceſſary, as at laſt produc'd a new Law, call'd *Naval*. But this noble Office began to loſe its Luſtre in our Kingdom in the Time of *Marino Freccia*, and much more in later Times, and now there's ſcarcely any Veſtige of its Grandeur remaining beſides

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[1] Digeſt. tit. 9. Nautæ, Caup. Stab. tit. 1. de Exercitoria act. Ad. L. Rhodiam de Jactu. tit. 9. de Incend. ruin. Naufrag.

[2] Freccia de Subfeud. de Offic. Admirat. n. 7. Hinc in Regno non lege Rhodia maritima decernuntur, ſub tabula quam Amalphitanam vocant, omnes controverſiæ, omnes lites, ac omnia Maris diſcrimina, ea lege, ea ſanctione uſque ad hæc tempora finiuntur.

[3] Cod. de furtis Collat. X. L. Navigia quoque.

Honour and Pre-eminency, with a ſeparate Tribunal depending on it, and Juriſdiction over Sea-faring Men. The Cauſes of this Declenſion will be underſtood in the Courſe of this Hiſtory, where it will be ſeen, that while our Kings were powerful at Sea, and while the *Normans*, the *Suevi*, and eſpecially the Kings of the Houſe of *Anjou* maintain'd a ſtrong Naval Force, the Office of High Admiral made a ſhining Figure; but when afterwards the Fleets were diminiſh'd, and the Kingdom came under the Dominion of the Houſe of *Auſtria*, and a new Model and Form of Government was introduc'd, depending on that of *Spain*, this great Authority vaniſh'd, and was partly lodg'd in the Generals of the Gallies, though not with the ſame Power and Authority that the High Admiral had.

SECT. III.

Of the High Chancellor.

THE Order which I obſerve in treating of the Officers of the Crown, and placing the High Chancellor next to the High Admiral, contrary to what other Authors have done, ought not to be look'd upon as diſorderly. I know that *Marino Freccia* gives this Office the laſt Place, though without any Reaſon, ſince he himſelf in Parliaments, and other publick Aſſemblies, gives it the Sixth Place, and ranks this Officer before the High Steward, who ſits not at the King's Side, but at his Feet. Others however put him in the Sixth Place after the great Protonotary; and both they and *Freccia* give the ſecond Place to the Lord Chief Juſtice, next to the High Conſtable.

However the *French* rank the High Chancellor next to the High Conſtable, and I ſay, that both of them have done very well in obſerving this Order. The High Chancellor of *France* is very different from what the High Chancellor of *Sicily* was in the Time of the *Normans*, and even the High Chancellor of the Kingdom of *Naples* differs widely, eſpecially if we conſider the Times in which *Freccia* and the other Authors wrote, and more if we look to our own Times.

DIGNITIES riſe and fall at the Pleaſure of Princes; as the Prince is the Fountain of all Honour, ſo he appoints the Rules; and as *Georgius Codinus*[1] very appoſitely ſays of the Officers of the King's Houſhold, he may alter both Things and Names, and exalt and abaſe as he pleaſes.

THE Chancellor among the *French* was the ſame with the *Quæſtor* among the *Romans*, as *Symmachus*[2] and *Caſſiodorus* deſcribe him; *Quæſtor es, Legum conditor, Regalis Conſilii particeps, Juſtitiæ Arbiter.* Therefore he was the Chief in Matters of Juſtice, as the Conſtable in thoſe of War: The firſt of all the Officers of Peace, and chief Magiſtrate.

THERE are various Opinions concerning the Etymology of the Word Chancellor. The antient Gloſſator ſays, it's deriv'd from the Duty of this Officer, whoſe Buſineſs it is to examine all Petitions that are given to the Prince, to mark thoſe that are fit to be preſented, and to cancel the Impertinent, by drawing with a Pen croſs Lines after the Manner of * Lettices. But this is a very ſtrange Etymology, that gives the Chancellor his Title from the Thing which he undoes, rather than from what he does. *Caſſiodorus*[3], and *Agathias* derive it better, who take it *à Cancellis*; for it being this Officer's Buſineſs to have Inſpection of the Diſpatch of all the Prince's Reſcripts, to hear all thoſe, who preſent Petitions to him, to prevent his being crowded by the People, and at the ſame time that he might be ſeen by every Body, he was wont to ſtand within a Bar, as was the Cuſtom in *Rome* and *France*; whence *Tertullian* uſed to ſay; *Cancellos non adoro, ſubſellia non contundo.*

* Cancelli.

FOR which Reaſon he has the King's Seal for his Badge, whence he is likewiſe call'd by the *French*, Keeper of the Seal, becauſe all ſpecial Grants and Diſpatches from the King paſs through his Hands, which he ſeals; and he gives Commiſſions, and Penſions to all Offices, which he may either refuſe or delay, as he thinks fit, by not ſealing them. Whence *Torquato* gives the High Chancellor of *Egypt* the Seal for his Badge:

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[1] Codin. cap. 2. num. 5. Langleo. 7. ſemeſt. 7.

[2] Sym. Epiſt. 17. lib. 1.

[3] Caſſiod. lib. 11. Ep. 6.

The Seal he bears, his Office to denote.

THEREFORE he enjoys many notable Prerogatives; he preſides in the Council of State in the Civil Affairs of the Kingdom.

HE diſpatches the King's Edicts, and all his other Orders. He has the Inſpection of Juſtice, and is Judge in all Diſputes concerning Offices and Officers, regulates their Precedencies, and determines what is the Duty of each Magiſtrate, that one may not incroach upon another.

THESE were the great Prerogatives of the Chancellors of *France*, whence *Roger* took them, and of the Kingdom of *Sicily* in the Time of the *Normans*. Two principal Dignities, which in a manner vied with that of the Princes themſelves; ſo that next to the Conſtable, the Chancellor had the ſecond Place.

THE firſt Chancellor we meet with in the Reign of *Roger*, is *Guarino Canzolino*, much celebrated in *Petrus Diaconus* his Appendix to the Chronicle of *Caſſino*[2]; *Roger* imploy'd him in the moſt weighty Affairs of State, and gave him the Superintendency and chief Command of theſe our Provinces. 'Tis ſaid, that *Guarino* being jealous that the Monks of *Caſſino* would joyn *Lothaire*'s Party, had at laſt reſolv'd to aſſault their Monaſtery by Force, for which end he had order'd a Body of Soldiers, and ſome warlike Machines to be brought from *Benevento*, *Puglia*, *Calabria*, and the *Baſilicata*; but ſoon after falling ſick in *Salerno*, and being at the Point of Death, with his laſt Breath cry'd out; *Alas!* Benedict *and* Mauro, *why do you kill me?* Whence *Petrus Diaconus*[3] relates, that at the ſame Inſtant *Creſcenzio Romano*, a Monk of that Monaſtery, in a terrible Fright and Trembling, ſaid to the Monks, that he had ſeen a Viſion, in which there appear'd to him a horrible Lake all on Fire, the dreadful Waves of which reach'd to the very Sky; among which he ſaw the Soul of the High Chancellor toſs'd up and down; that he likewiſe thought he ſaw two Friers on the Bank of the Lake, and being ask'd by the Eldeſt of the Two, if he knew who it was that was ſo toſs'd by the Waves? anſwer'd no; and that the Frier declar'd to him, that it was *Guarino*'s Soul that was condemn'd to be puniſh'd in ſuch a manner, for having troubled the Monks of *Monte Caſſino*: That he then ask'd the Frier who he was? who anſwer'd, that he was Frier *Benedict*; upon which *Creſcenzio* awak'd, and the Viſion diſappear'd.

THE next who exercis'd the Office of Chancellor in *Roger*'s Time was *Robert*, of *Engliſh* Extract[4]. *Roger*, as has been already obſerv'd, in the Government of his Dominions, always made uſe of Miniſters of great Learning and Prudence, which he invited from diſtant Countries; and as he rais'd *George* of *Antioch* to be great Admiral, ſo likewiſe he call'd this famous *Robert* out of *England*, whom he not only imploy'd in the moſt important Affairs of State, and to whom he committed the Defence of *Salerno*, when it was beſieg'd by *Lothaire*, the Prince of *Capua*, and the *Piſans*; but likewiſe gave him the Government of *Puglia* and *Calabria*; and he was ſo renown'd for Wiſdom and Integrity, that *John* of *Salisbury*, Biſhop of *Chartres*[5], relates an Adventure which deſerves to be taken Notice of in this Hiſtory. Whilſt the Chancellor govern'd *Puglia* and *Calabria*, the Church of *Avellino* happen'd to be vacant by the Death of her Biſhop. For the Election of a Succeſſor, it was neceſſary to have the King's Conſent, as was the Cuſtom in all Cathedral Churches: *Robert*, who was to give it in the King's Name, was earneſtly ſollicited for it by many; amongſt the reſt there were three ſtrong Pretenders, an Abbot, an Archdeacon, and a Lay-man belonging to the King's Houſhold, who had a Brother that was a Clergyman; they all made great Offers to *Robert*, each of them promiſ'd him a vaſt Sum of Money if he would make him Biſhop whom they ſhould name; the Chancellor, who had a mind to expoſe their Villainy, made a Bargain with each of the Three ſeparately, giving them to underſtand, that he

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[1] Agat. lib. 5.

[2] Petr. Diac. lib. 4. cap. 98 & 101. Capecelatr. lib. 1. pag. 22.

[3] Pet. Diac. lib. 4. cap. 102.

[4] Capecelatr. lib. 1. pag. 60.

[5] Jo. Sariſb. lib. de Nugis Curialium, Capecelatr. loc. cit.

would do what each of them deſir'd: After they had given Pledges and Security for what they had promiſ'd, the Day appointed for the Election came; *Robert* having conven'd the Clergy of *Avellino*, with many Archbiſhops, Biſhops, and other Prelates and Perſons of Diſtinction, told the Fraud which the three Candidates had a mind to commit; they were all Three rejected as guilty of Simony, by the unanimous Suffrage of all the Aſſembly, and the Money agreed upon was exacted as a Puniſhment for their Crime; then *Robert* got a poor Frier of a good and holy Life, who had no ſuch View, to be elected Biſhop.

THE third High Chancellor we find in the Reign of *Roger*, is the ſo much renown'd *Giorgio Majone*. He was born in *Bari* of very mean Parentage; but by Nature endow'd with a wonderful Eloquence and Wit, and being but the Son of a poor Oyl-Merchant [1], he found means to get a Place at Court in the Royal Chancery, where King *Roger* firſt made him his Notary; after having gone through other petty Offices of the Chancery, he was made Vice-Chancellor, and at laſt High Chancellor, and was ſo much in Favour with this Prince, that during all his Life he imploy'd him in the moſt weighty Tranſactions of his Kingdom; and after *Roger*'s Death, he was ſo belov'd by *William* his Son and Succeſſor, which rarely happens, that, beſides having made him High Admiral, he intruſted him with the Government of the Kingdom. Under the Two *Williams*, the chief Perſonages of theſe Times held this Office, *viz.* the Elect of *Syracuſa*, and after him *Stephano di Parzio* Archbiſhop of *Palermo*.

THUS the Dignity of this high Office was as great in *Sicily* under the *Normans*, as in *France*; neither was it in leſs Eſteem in the Courts of other Princes. But afterwards it was rightly judg'd in Princes to leſſen ſo many and eminent Prerogatives, by reaſſuming them to themſelves from whence they ſprung; of which we have a very notable Inſtance in the Chancellor of the Holy See of *Rome*. In old Times, this See had a Chancellor, whoſe Authority was ſo great, that he vied with the Pope himſelf; on which account it was exerciſ'd by the chief Perſonages; and it was the next Step to the Papacy. Thus Pope *Gelaſius* II. according to the Epitaph compoſ'd by *Pietro Pittavienſe*, before he was Pope, *Archilevita fuit, & Cancellarius Urbis*; and 'tis likewiſe ſaid, that *Alexander* II. was Chancellor of the *Roman* See when he was elected Pope.

BUT after *Boniface* VIII. ſaw the Authority of the Chancellor at ſuch a pitch of Greatneſs, that, as many Writers relate [2], *quaſi de pari cum Papa certabat*, he aboliſh'd this Office of Chancellor in *Rome*, and aſſuming it to himſelf, appointed only a Vice-Chancellor there; whence this Office of Vice-Chancellor in *Rome* acknowledgeth none ſuperior to it in the ſame Sphere, ſeeing the Chancellorſhip is lodg'd in the Pope; and whereas this Office was formerly given to ſuch as were not Cardinals, when Cardinals came to get it, they ſtill retain'd the Name of Vice-Chancellors, though that of Chancellor be aboliſh'd; juſt ſo as that Cardinal who is Head of the Pope's Datary, is call'd Prodatary, and Vicedatary, though he acts not in the Place of another Miniſter ſuperior to him, for both the Chancery and Datary are lodg'd in the Pope.

FOR the very ſame Reaſon the Vice-Chancellor is mention'd only in the *Sixth Decretal*; as is taken notice of in the Gloſs [3], and by *Gomes* on the Rules of the Chancery; though *Onuphrius Panvinus*, in his Book *de Pontificibus*, ſays, that from the Time of *Honorius* III. there were no more Chancellors in *Rome*, but only Vice-Chancellors.

THIS ſupreme Office of great Chancellor had the ſame Fate in our Kingdom; for in the Time of the Catholick King, and of the Emperor *Charles* V. the Chancery was in the King's Perſon [4], and therefore a new Tribunal was erected, ſtill call'd the Chancery, and manag'd by Regents, call'd Regents of the Chancery, who perform all the Duties formerly incumbent on the High Chancellor, for they ſubſcribe the Petitions that are preſented to the Prince, and the ſpecial Grants, and diſpatch the King's Edicts and Orders. They are Judges of Differences amongſt Officers, decide their Precedency, and preſcribe to each Magiſtrate his Duty; the Chancery is lodg'd in them, and they have the Charge of the Records and Regiſters, and all that formerly belong'd to the High Chancellor; therefore they have a Secretary, and many other inferior Officers, who are call'd Officers of the Chancery; of which we ſhall diſcourſe in another Place, when we come to treat of this Tribunal.

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[1] Ugo Falcand.

[2] Zabarell. in Clem. Romana de Electionib. Freccia lib. 1. de Offic. M. Cancel. num. 4.

[3] Gl. Pram. Sanctio, §. Romanæ, verb. Vice-Cancellarius.

[4] Freccia lib. 1. de M. Cancel. num. 29.

THAT Office, which is now in the Family of the Princes of *Avellino*, depends on the Chancery; for their Prerogatives are reſtricted purely to the College of Doctors, and they have only Power to confer the Degree of Doctor, and for that end to call a Convocation of Doctors, in order to examine the Candidates, to approve of, or reject them, and to do other Things thereunto belonging; for with us it does not belong to the Univerſities to confer the Degree of Doctor, but to the Prince who has lodg'd this Power with the High Chancellor and his College. There were many ſuch Chancellors in *France*, ſuch as the Chancellor of the Univerſity of *Paris*, which of old was an Office of ſo great Importance, that *Boniface* VIII. on account of the great Affairs he had in *France*, and that he might have a particular Authority over that Univerſity, eſpecially with reſpect to the Divines who receive their Degrees, Benediction and Commiſſion, to preach over all the World, from the Chancellor, uſurp'd it to himſelf; but after *Boniface*'s Death, the Univerſity of *Paris* left no Stone unturn'd to recover this Office, inſomuch that it was reſtor'd them by *Benedict* XI. his Succeſſor; and to prevent the like Uſurpation in Time to come, it was annex'd to a Canonſhip of the Cathedral Church of *Paris*[1].

FOR this Reaſon *Morino Freccia* treating of theſe Offices, and having an Eye only to what was practis'd in his own Time, ranks the High Chancellor laſt of all; for now-a-days the great Chancellor, who is look'd upon as one of the Seven Officers of the Kingdom, is only a Shadow of what this Office was formerly: He enjoys but one of the many Prerogatives that of old adorn'd that Dignity, which is now in a manner aboliſh'd, and all its Privileges and Pre-eminences lodg'd in the King, who therefore has erected a new ſupreme Tribunal in its Place, call'd the *Court of Chancery*, adminiſtred, as we have ſaid, by Regents.

HOWEVER we muſt not omit, that in the Times of the Emperor *Frederick* II. and King *Charles* of *Anjou*, though this Office was much decay'd in its antient Splendor, yet it retain'd Juriſdiction over all the Clergy of the King's Palace, and all his Chaplains: *Marino Freccia*[2] is much ſurpriz'd to find a Laick have Juriſdiction over the Clergy, ſeeing both by Divine, Canonical and Imperial Laws, they are exempted from Laick Juriſdiction; ſo that he endeavours to explain what he reckon'd a Paradox, by ſaying, that this Kingdom being a Part of St. *Peter*'s Patrimony, 'tis to be believ'd the Kings have been inveſted with this Prerogative by the Apoſtolick See, therefore they are to be look'd upon as Miniſters and Delegates of that See. Neither ought this to ſeem ſtrange, ſays he, becauſe the Kings are not to be conſider'd as mere Laicks, ſeeing they are anointed, and were alſo Prieſts of Old. And not content with this, he adds, that *Frederick*, and eſpecially *Charles*, were authoriz'd by the Apoſtolick See, to appoint a Judge over all the Clergy of the Royal Houſhold; and that afterwards, it ſeeming very unbecoming and unhandſome for a Laick to exerciſe Juriſdiction over the Clergy, *Alphonſus* I. appointed one of his own Chaplains to be Judge, who exercis'd Juriſdiction over all the other Chaplains and Clergy of the Royal Chapel, and was therefore call'd Chaplain Major, and that by Permiſſion of the Apoſtolick See; ſo that the High Chancellor had no longer ſuch Juriſdiction, all being left to the Chaplain Major.

BUT *Freccia* had no Reaſon to be ſo much ſurpriz'd, for in theſe Times the Chaplain Major was ſubordinate to the High Chancellor, and aſſiſted in the Chancery; for in *France*, according to *Peter de Marca*[3], the ſame was practis'd under the *Carlovingian* Race; when the Maires of the Palace preſided in the Royal Palace in Matters of State, and the Chaplain Major, likewiſe call'd Archchaplain, in Eccleſiaſtick and Spiritual Matters, who, as *Hincmare* informs us, *Vice Regis in conſeſſu Epiſcoporum & Procerum jus dicebat, niſi cauſæ gravitas exigeret Regis præſentiam.* And it was not in the Time of *Alphonſus* I. of *Aragon*, that this Pre-eminence was disjoin'd from the Office of High Chancellor, but long before, when *Charles* I. of *Anjou* had fix'd his Royal Seat in *Naples*, and appointed one of his Chaplains as

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[1] Loyſeau des Offic. loc. cit.

[2] Freccia de ſubfeud. lib. 1. d. Off. M. Canc. num. 24 & 25.

[3] Marca de Concord. lib. 4. cap. 7. num. 3. & lib. 8. cap. 14. num. 6.

Judge, who exercis'd Juriſdiction independently on the High Chancellor, over all the other Chaplains and Clergy of the Royal Chapel; whence he got the Title of *Protochaplain Royal*, or *Maſter of the Royal Chapel*, and at laſt Chaplain Major; of which Office, and ſuch like, introduc'd by *Charles* I. of *Anjou* into his Royal Palace at *Naples*, we ſhall treat in his Reign.

THUS in proceſs of Time, the great and many Prerogatives of this Officer being lodg'd in the King's Chancery; the High Chancellor retains no other Power, but that of conferring the Degrees of Doctor of Law, Divinity, Philoſophy, and Phyſick, and the Superintendency of the College of Doctors[1]. Nevertheleſs he has the Honour to wear Purple, to ſit in Parliament, and other publick Aſſemblies where the King is preſent; but in the ſixth Place on the King's Left Hand next to the great Protonotary, and he is alſo counted among the Seven Officers of the Crown.

[1] V Tappia de jure Regn. tit. de Offic. M. Cancel. n. 9. Taſſone de Anteſ. ver. 3. obſ. 3. n. 271 & 285.

SECT. IV.

Of the Lord Chief Juſtice.

ALTHOUGH in *France* the Office of Lord Chief Juſtice was ſubordinate to the great Chancellor, who was the Magiſtrate of Magiſtrates, and Head of all the Officers of Juſtice, and in the Reign of *Roger* his Authority was not ſo ample; nevertheleſs *William* his Succeſſor having appointed the Tribunal of the High Court, and *Frederick* II. having afterwards by many Conſtitutions, eſtabliſh'd, that the Chief Juſtice who preſided in this Tribunal, ſhould be Head, and Supreme over all the other Juſtices of the Provinces, this Office came to be look'd upon not only as one of the chief and greateſt of the Kingdom, but to have the ſecond Rank next to the great Conſtable; for which Reaſon he ſat next the King on his Left Hand, cloathed in Purple, and had the Standard for his particular Badge; of which with us there remains as yet ſome Veſtige; for when Sentence is to be put in Execution upon a Perſon condemn'd to die, this Standard is diſplay'd from a Balcony, in token of the Chief Juſtice's Authority. By how much the more the Tribunal of the High Court was exalted by *Frederick* II. who made it the Supreme and Superior to all the other Courts of the Kingdom, where not only civil and criminal Cauſes were to be diſcuſs'd, but likewiſe the Feodal relating to the Baronies, Counties, and all Appeals from the Courts of the other Juſtices of the Provinces, even thoſe delegated by the King, and ſubjected all the Dukes, Princes, and all the other Barons of the Kingdom to its Juriſdiction; and beſides gave it Power to take Cognizance of Crimes of High Treaſon: So much the more was the Lord Chief Juſtice rais'd above the other Officers of the Crown, and deſervedly call'd *Chief Juſtice*; and therefore *Frederick* in one of his Conſtitutions[1] calls him *Luminare Majus*, on account of the Luſtre with which he eclipſeth the other inferior Juſtices, ſo that when he viſits the Provinces, their Office ceaſes.

WE are to obſerve, that from this Time of the *Norman* Kings began that Diviſion of the Provinces, that in a great meaſure continues to this Day: They were not then call'd Provinces, but *Giuſtizierati* from *Giaſtizieri*, the Juſtices who govern'd them[2]; as in the Time of the *Longobards*, the *Caſtaldati* were ſo call'd, from the *Caſtaldi*, who had the Government of them. In effect, in the Time of King *William* II. *Tancred* Count of *Lecce*, was Juſtice of *Puglia*, and *Terra di Lavoro*; Count *Pietro Celano*, and *Riccardo Fondano* were alſo Juſtices of the ſame Provinces[3]. Thus in later Times we frequently meet with in the Regiſters recorded by *Tutino*[4], that when theſe Juſtices were ſent into the Provinces, they were not call'd *Chief Juſtices*, but only Juſtices of the Provinces which they govern'd, in order to diſtinguiſh them from the Chief Juſtice of the Kingdom. Thus *Giovanni Scotto* was call'd Juſtice of *Apruzo*, and *Guglielmo Sanfelice*, Juſtice of *Terra di Lavoro*, whence thoſe Governments got the Name of Provinces, ſuch as the *Juſtiziarato* of *Calabria*, *Puglia*, *Terra di Lavoro*, and others, which are now call'd Provinces; and even in theſe ſame Times of the *Normans* and likewiſe of the *Suevi*; one Province was frequently govern'd by two Juſtices, as in the Time of *William* II. *Luca Guarna* and *Filippo da Camarota* were both Juſtices of *Salerno* at the ſame Time. And in the Year 1197 we find[1], that *Roberto di Venoſa*, and *Giovanni di Fraſſineto* were both Juſtices of *Terra di Lavoro*[2]. But Matters were afterwards put upon a better Footing by *Frederick* II. who for each Province appointed but one Juſtice, who was to have one ſingle Judge, and one Notary, whom we now call *Maſtrodatti*, as was eſtabliſh'd in the Conſtitution *Occupatis* in the firſt Book. This was continued by the Kings of the Family of *Anjou*, who, to each Province ſent only one Juſtice, whom we now call Preſident.

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[1] Conſtit. honorem, lib. 1.

[2] Pellegr. in diſſer. Duc. B p. 78.

[3] Pell. ad An. Caſſ. anno 1208.

[4] Tutin. de Maeſtr. Giuſtiz. in princ.

In the Reign of *Roger*, we find only one Chief Juſtice in the Archives of the Monaſtery of the *Trinity* in *Venoſa*, and in an Inſtrument recorded by *Tutino*, we read, that in the Year 1141. *Errico Ollia* was Chief Juſtice. *Ego Henricus Ollia Dei Gratia Regalis Juſtitiarius*; but in the Reigns of the Two *Williams* his Succeſſors, many are mention'd by *Romualdus* Archbiſhop of *Salerno*, and in the Chronicle of *Notar Riccardo da S. Germano*; ſuch as *Roberto Conte di Caſerta*, *Ruggiero Conte d'Andria*, and *Luca Guarna*, as ſhall be related in the Reigns of theſe Princes; whence they are miſtaken, who believe that this Office was introduc'd into the Kingdom by *Frederick* II.: For though this Emperor, by means of his many Conſtitutions relating to this Office, regulated and put it upon a better Footing, yet he was not the firſt that introduc'd it, which is evident from theſe very Conſtitutions. There were other Laws publiſh'd afterwards, in the Reigns of the Kings of the Family of *Anjou*, concerning this Office of Chief Juſtice, and we have many Conſtitutions of *Charles* II. concerning his Juriſdiction and Duty; but being to diſcourſe more at large of this Officer, when we come to treat of the Tribunal of the *Curia Vicaria*, we ſhall therefore refer it to that Place; for in proceſs of Time, under the *Aragon* and *Auſtrian* Princes, other Tribunals were erected; and as that of the High Court loſt its antient Authority and Dignity, ſo likewiſe the Chief Juſtice was in a great meaſure ſtript of his Splendor and Prerogatives, inſomuch that now he enjoys no more than a bare Title of Honour, with the Privileges common to other Officers of the Crown, only on publick and ſolemn Occaſions, he ſits next to the High Conſtable, and wears Purple.

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[1] *In the Archives of the* Carthuſians *in* Capria Inſtrum. Sig. V. 1197.

[2] Ricc. di S. Germ. Cron. 1.

SECT. V.

Of the High Chamberlain.

OUR High Chamberlain or Chief Officer of the King's Chamber of Accounts, was the ſame with the High Treaſurer of *France*, or Superintendant of the Finances. He had the Charge of the King's Perſon and Houſhold, provided Cloaths for him and his Children: Saw the Centinels rightly plac'd about the Court, diſpos'd of the Uſhers, cloath'd the King's Houſhold, kept the Jewels, the Gold, the Silver, the Silk and Woollen Robes. But his chief Buſineſs was to receive all the Money that was ſent to the King's Treaſury; to have Juriſdiction over all the other Treaſurers of the Kingdom, all the Receivers of the Revenues and Cuſtoms, and the Officers belonging thereto, whom he could put in or turn out as he ſaw Reaſon. And ſeeing, as in *France*, when Treaſurers were ſent to the particular Provinces, it was thought neceſſary to erect a ſupreme Tribunal of the Finances, to which all the inferior Tribunals were accountable; ſo with us a new ſupreme and general Tribunal of the Finances was erected, the Head of which was the High

Chamberlain, to whom, all the particular Treaſurers of the Provinces, Toll-gatherers, Officers of the Cuſtoms, Receivers of the Revenues, and all others, were to be accountable, therefore he was call'd the Chief Officer of the Chamber of Accounts, which is much the ſame with the *Comes ſacrarum largitionum* among the *Romans*; and as they had many *Quæſtores pecuniarum*, ſo likewiſe with us there were many Under-Treaſurers, Chamberlains, Toll-gatherers, Cuſtom-Houſe Officers, and others, whoſe Buſineſs it was to collect the King's Money. In the Reigns of *Frederick* II. and of the Kings of the Houſe of *Anjou*, this Tribunal was govern'd by the Maſters of Accounts, in the Court of the King's Mint; they were call'd Maſters of Accounts, becauſe their greateſt Buſineſs was to take care that the Under-Chamberlains, Treaſurers, Cuſtom-Houſe Officers, and others, ſhould give account of their Admininiſtration, and to receive from them an Account of what Money they receiv'd and ſent to the King's Treaſury.

GREAT Privileges and Prerogatives were given to theſe Maſters of Accounts by King *Lewis* of *Anjou*, and Queen *Joan* I.[1]; and they were likewiſe call'd Maſters of Accounts of the High Court; and how illuſtrious a Dignity this was in the Times of the Kings of the Houſe of *Anjou*, may be ſeen by the Perſonages who bore theſe Employments; for we read, that the famous *Andrea d'Iſernia*, the renown'd *Niccolo Alunno d'Aliſe*, and other eminent Civilians in the Reigns of King *Charles* II. *Robert*, and other Kings their Succeſſors, were Maſters of Accounts.

AFTERWARDS when the Family of *Arragon* came to reign, *Alphonſus* I. annex'd to this Tribunal one created by himſelf, call'd *Summaria*, which was govern'd by four Preſidents that were Lawyers, and two private Men, beſides one who preſided over all in place of the High Chamberlain, and therefore was call'd his Lieutenant[2]. For which Cauſe this Tribunal was more eminent, and had greater Authority; for beſides the Care of the Royal Demeſne, it was veſted with that of Feodal Cauſes, which formerly belong'd to the High Court. From hence aroſe the Name of *Camera Summaria*, and Preſidents of the *Summaria*; the Denomination (not to amuſe ourſelves with the ſpecious Etymologies of *Summa rei*, or *Rationis*, as *Luca di Penna*[3] dreameth, who was follow'd by *Marino Freccia*[4], for which he was check'd by *Moles*) was taken from their ſummary Examination of the Accounts made up by the Maſters of Accounts. And as the *French* call this Tribunal the Chamber of Accounts, or of the Finances, ſo with us, for the ſame Reaſon, it's call'd *Camera della Summaria*. Which is evident from a Privilege granted by the ſame King *Alphonſus*, inſerted in our Statutes[5], where the King plainly ſays, that this Tribunal is call'd *Summaria*, *quod rationes ipſæ in Camera per Præſidentes, & Rationales ibidem ordinatos SUMMARIE viderentur*; of which we ſhall have Occaſion to diſcourſe more at large, when we come to treat of the Inſtitution of this Tribunal in the Reign of *Alphonſus* I.

THO' this ſupreme Office of High Chamberlain, according to *Freccia*, was put upon a better footing, like that of *France* by *Charles* I. of *Anjou*; yet it was not he that firſt introduc'd it, for it was known among our *Norman* and *Suevian* Kings; and many Chamberlains are mention'd during the Reigns of theſe Princes, and particularly in that of *Roger*; but Length of Time having bereav'd us of their Names, we have not been able to record them. Yet in the Time of *William* I. his Succeſſor, among others, we find, that *Gaito Joario* was High Chamberlain of the King's Houſhold; after whoſe Death *Gaito Pietro* an Eunuch ſucceeded in that Office, both of them *Saracens*[6]. The Word *Gaito*, in the Language of theſe People, was the Name of an Office, and ſignifies Captain[7]. And in the Reign of *William* II. we read, that *Gaito Riccardo* was High Chamberlain of the Houſhold[8]; and that *Gaito Martino* had the Charge of the Revenues of the Cuſtom-Houſe. And under the ſame King, we likewiſe find mention made of the Chamberlains of *Calabria*, who reſided in *Reggio*, among theſe we find *Giovanni Colomeno*, of whom we ſhall have occaſion to ſpeak in the Reign of this Prince[9]. Thus alſo in the Times of their

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[1] V. Capece Galeot. reſp. fiſc. 1. num. 51.

[2] Coſtanzo hiſt. lib. 18.

[3] Luc. de Penna l. ſi quando la 3. C. de Bonis vacantib. lib. 10. col. 2.

[4] Freccia de Subfeud. de Offic. M. Camer. num. 4. V. Surgent. de Neap. illuſtr. cap. 7. num. 2. & 3. & cap. 26. num. 24. in fin. verſ. dicta eſt autem Summaria.

[5] Pragm. 1. de Offic. Procur. Cæſar.

[6] Ugo Falcand.

[7] Capecelatr. lib. 2. pag. 107.

[8] Idem, lib. 3. pag. 119.

[9] Idem, pag. 128.

Suevian Succeſſors, and in the Conſtitutions of *Frederick*[1] we read many Laws, both concerning the Office of High Chamberlain, and other Officers, as may be ſeen in *Toppi*.

CHARLES of *Anjou* reduc'd this Office into a better Form, after the ſame Method with that of *France*, by eſtabliſhing one ſole High Chamberlain, whom all the other Chamberlains of the Provinces were to obey, and to whom they were all accountable, as ſupreme Officer of all the Finances. And this Prince left us many written Laws and Eſtabliſhments concerning the Duty of this Officer, by framing a particular Regulation for his Office, in doing of which he could not forbear to make uſe of the *French* Terms; for he ordain'd that it ſhould be in the Power of the High Chamberlain to depute, ſubſtitute, and correct the *Graffieri*, or Clerks, whoſe Buſineſs it was to write and note, as that of the Comptrollers to inſpect and obſerve that there was no Fraud in the Collections. He appointed likewiſe *Maeſtri degli Arreſti*, Maſters of Arreſts; whence this *French* Term has continu'd among us to this Day; and therefore we ſay, *gli Arreſti della Camera*, which they call the Deciſions and Decrees of their Parliaments[2].

IN after Times the High Chamberlain began to loſe theſe his ſo great Prerogatives, but it was not ſo with the Tribunal of the *Camera della Summaria*, which had its own Preſidents and Accomptants, and was govern'd by his Lieutenant, who, tho' call'd ſo, was made by the King, and not by the High Chamberlain; whence it came, that tho' this Tribunal was put upon an equal footing with the other ſupreme Tribunals of the Kingdom, yet the High Chamberlain is now no more than a bare Title of Honour, neither does he concern himſelf with the Affairs of this Tribunal, nor has he any Thing to do with the Revenues of the *Camera Summaria*; but all is manag'd by the Lieutenant and his Officers, who are accountable to the Viceroy, who is in place of the King, there being a particular Treaſurer who has the Charge of the King's Money. Nevertheleſs he retains his Prerogatives, as well in ſitting on the King's Left-Hand, next the Chief Juſtice[3], in the fourth Place, as at ſolemn Marriages, and other publick Occaſions, in wearing purple Robes, and he is reckon'd one of the ſeven Officers of the Crown, and till of late he had the Emoluments.

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[1] Conſtit. ſi quando ferte, ſub tit. de forma qualiter, ſint locandæ res Fiſcales. Conſtit. authoritatem Magiſtris. Conſtit. Magiſtris Procuratoribus, &c.

[2] V. Freccia loc. cit. num. 11. & 12.

[3] Idem, num. 21. & 22.

SECT. VI.

Of the Great Protonotary.

PIETRO VINCENTI has written a ſmall Treatiſe concerning the *Proto-Notaries* of the Kingdom, wherein he has given us rather a long Catalogue of thoſe who have exercis'd this Office, than deſcrib'd their Buſineſs and Charge. The Protonotary, or *Logotheta* with us, certainly had his Riſe from the *Greeks*, as the Word itſelf teſtifies; nevertheleſs this Office was known among the *Romans* under another Name. In the Empire, as Head of the Notaries, he was call'd *Primicerius Notariorum*, and was honour'd with the Proconſular Dignity; and after he had exercis'd his Office two Years, he became *Illuſtris*. In the ancient Empire he had three Sorts or Degrees of Notaries under him, which are plainly deſcrib'd in the *Theodoſian* Code[1]. The firſt were call'd *Tribuni Prætoriani, & Notarii*; and as *Caſſiodore*[2] witneſſeth, were call'd *Candidati*; and were of the ſame Dignity with Counts. The ſecond were plainly nam'd *Tribuni & Notarii*; theſe were of equal Dignity with the *Vicarii*. Laſtly, the third were call'd *Notarii Familiares*, or *Domeſtici*, who were of Conſular Rank and Dignity.

BUT 'tis needleſs to confound theſe Notaries with thoſe now a-days, whom the *Romans* call'd *Tabelliones*, whoſe Office and Employment were quite different, as ſhall be related. Neither are we to confound the Office of Great Protonotary, in the

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[1] Cod. Th. l. 2. 3. de Primic. & Notar.

[2] Caſſiodor. lib. 4. epiſt. 3.

Times of our *Norman* and *Suevian* Kings, and of thoſe of the Houſes of *Anjou* and *Arragon*, with that of the Viceprotonotary at this Time, which is ſolely confin'd to the making of Notaries, and *Judices Chartularii.*

THE Office of Great Protonotary in the Times of theſe Kings, was ſo eminent, that in a great meaſure it reſembled that of *Primicerius Notariorum* among the *Roman*. Theſe, as *Caſſiodorus* [1], and *Gotofredus* [2] deſcribe them to us, were of the Prince's Council, and acted therein as Secretaries; the Imperial Anſwers and Decrees paſs'd thro' their Hands, and the Orations of the Emperors to the Senate, were frequently deliver'd by the *Primicerius*: In ſhort, he was the Prince's Secretary, with whom he truſted all his Secrets and Deſigns, and therefore by his Office he was conſtantly oblig'd to attend him, and ſee his Imperial Commands diſpatch'd. For which Cauſe he had under him theſe three Degrees of Notaries, which were form'd into a Body or College, and were much the ſame with the preſent Secretaries of State, or of the King's Cabinet, or Houſhold, of whom we ſhall treat in the Reign of *Charles* II. of *Anjou*.

SUCH was the Office and Power of the Great Protonotary in the Times of the abovemention'd Kings. His chief Buſineſs was not to make Notaries, and *Judices Chartularii*, but conſtantly to attend the King's Perſon, receive the Petitions and Memorials that were to be preſented to him; give Audience to thoſe who had recourſe to the King, and give the King account of what had paſs'd: All Letters Patent paſs'd thro' his Hands, and were drawn up by him. All new Conſtitutions, Edicts, and Statutes made by the King, were penn'd and ſeal'd by the Protonotary. Whatever the Prince reſolv'd or decreed in Council, or elſewhere, he couch'd it in Writing, either in the Form of a Sentence, Decree, Letters Patent, or Special Grant [3]. And we ſee to what a Pitch of Eminency this Office was rais'd in the Reign of *Charles* II. of *Anjou* [4], when it was exercis'd by *Bartolomeo di Capua*, thro' whoſe Hands the moſt weighty and important Affairs of the Crown paſs'd.

BUT as in proceſs of Time, the Tribunal of the *Curia Vicaria* depreſs'd the High Juſtice, and reduc'd him to the Condition he is in at preſent, ſo the Erection of the Council of *Sancta Clara*, in the Time of *Alphonſus* I. King of *Arragon*, almoſt quite eclips'd the Great Protonotary; for tho' *Alphonſus*, when he veſted the Preſident of this Council with the ſame Power, declar'd, that he did not mean by that to incroach upon the Prerogatives of the Great Protonotary; and tho', either he or his Viceprotonotary was admitted to preſide in that Council, and frequently hear Cauſes as well as the Preſident; nevertheleſs by Degrees this Office was afterwards reduc'd to a meer Title of Honour, and the Protonotary excluded from that Council; for being oblig'd to be always preſent in Perſon, and not having Power to elect a Viceprotonotary without a new Grant, which the King refus'd, the Viceprotonotary was no more made by him, but directly by the King, as is ſtill practis'd. Beſides, when the Great Protonotary was elected by the King, with great Solemnity he took Poſſeſſion of his Place in the Council of *Sancta Clara*, and was preſent with the Preſident and all the other Counſellors at all the Sentences and Decrees that were given; and at laſt the King made the Preſident of that Council Viceprotonotary: Thus theſe two Offices were united in the ſame Perſon, as ſhall be related more at large in the Reign of *Alphonſus* I.

IN proceſs of Time, when the great Barons were advanc'd to this Office, and no Regard had to Lawyers, as in the Time of *Bartolomeo di Capua*; the Great Protonotaries, as Perſons of high Quality, in a manner diſdaining to go in Perſon to the Council of *Sancta Clara*, the Viceprotonotaries went; and theſe being no more made by thoſe, but by the King, the Great Protonotaries at laſt came be to excluded altogether out of that Council. On the other hand, the Preſidents of the Council, whoſe Authority was very great, excluded afterwards the Viceprotonotaries from all the Prerogatives which formerly they had, as repreſenting the Perſon of the Great Protonotary; ſo that their Authority came to be reſtricted to the ſole making of Notaries, and *Judices Chartularii*, &c. which they ſtill have.

BUT tho' the Office of Viceprotonotary was thus reſtricted, yet the making of Notaries and the *Judices Chartularii*, the examining their Privileges and Protocols brought great Emoluments, which occaſion'd grievous Diſputes betwixt the Great Protonotaries, who pretended they belong'd to them, and the Viceprotonotaries, who being appointed by the King, appropriated all to themſelves; and *Marino Freccia* [1] relates a bitter Diſpute that aroſe in his Time betwixt the Duke of *Caſtrovillari* Great Protonotary, and the famous *Cico Loffredo* Viceprotonotary. At preſent all theſe Diſputes are over; for the Viceprotonotary holding his Office of none but the King, enjoys all the Profits, and now the Office of Great Protonotary is only a bare Title of Honour, without any Emoluments, but he ſtill retains the Honour of Purple Robes, and his Seat in Parliament on the King's Right-Hand next the High Admiral.

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[1] Caſſiodor. 6. var. 3. 10. & 16. & 11. var. 18.

[2] Goth. l. 1. 2. C. Th. de Primic. & Notar.

[3] Freccia de Subfeud. de Offic. Logot. & Proton. num. 1. & 2.

[4] Idem. num. 17.

BUT it muſt be obſerv'd, that the preſent Notaries, who are made by the Viceprotonotary, bear no Reſemblance with thoſe Notaries mention'd in the *Theodoſian* Code, and by *Caſſiodorus*, who, as we have ſaid, reſembled more the Officers of the King's Secretary or Chancery Offices, who have the Charge of the King's publick Acts and Writs, than the preſent Notaries, whoſe Buſineſs relates only to the Deeds and Writs of private Perſons, tho' their Office be of a publick nature. Theſe are more like the *Tabelliones* of the ancient *Romans*, whoſe Office was very much the ſame, with this one Difference, that the preſent Notaries perform the Office both of the *Tabularii* and the *Tabelliones*.

AMONG the *Romans*, thoſe who were appointed to keep the publick Archives, where the Publick Inſtruments and Records were preſerv'd, were call'd *Tabularii*, becauſe the Place where theſe Things were kept was call'd *Tabularium*, and the *Greeks* call'd it *Grammatophylacium*, or *Archium* [2]; and the Care of theſe Places was often committed to publick Slaves, that is, ſuch as were bought with the publick Money of the Cities or Provinces; and theſe *Tabularii* being publick Slaves, could not only act, covenant, acquire, and in their Names take Poſſeſſion for the Publick, but likewiſe for private Perſons [3]. The Emperor *Arcadius* afterwards turn'd out theſe publick Slaves from the *Tabularia*, and order'd that the *Tabularii* ſhould be Freemen [4], who, as publick Perſons, could covenant for others, in the ſame manner as a Magiſtrate [5]. But the Office of theſe *Tabularii* was only to take care of the publick Inſtruments and Records in the Archives, and as publick Perſons to act and covenant for others.

THE *Tabelliones* were thoſe who indited and wrote Teſtaments or laſt Wills, and drew up Contracts, making them publick Inſtruments in the Preſence of the *Tabularii* [6], which were afterwards given to the *Tabularii* to be kept. Theſe *Tabelliones* were likewiſe call'd *Nomici*, that is to ſay, *Juris ſtudioſi*, becauſe in order to be ſkill'd in drawing up and writing theſe Inſtruments and Teſtaments, it behoved them to have ſome Knowledge of the Laws [7]. Some interpret the Word *Nomicus*, viz. *Legitimus*, becauſe he made all Deeds lawful. However that may be, 'tis certain, that the *Tabelliones*, whom we now call *Notaries*, were quite different from the *Tabularii*, who had the Charge of the Archives; and ſeeing they were diſtinguiſh'd by *Juſtinian* in his *Novellæ* [8], 'tis needleſs to confound them, as *Accurſius* [9], *Goveanus* [10], and *Forcatulus* [11] have done.

NEVERTHELESS theſe two Employments were afterwards united in our Notaries; for as formerly the *Tabelliones* wrote the Inſtruments in the Preſence of the *Tabularii*, who preſerv'd them in the Archives, it was afterwards brought into Practice, that the Inſtruments or Teſtaments were wrote in the Preſence of the *Tabelliones*, without having recourſe to the *Tabularii*, and the *Tabelliones* made Protocols of them, and kept them in their own Houſes, not in the Archives. Whence, by confounding theſe two Offices, a Notary was look'd upon as a publick Perſon, that could covenant for other People, as the *Tabularii* did.

THEREFORE the Office of Notary came to be in greater Eſteem and Credit; ſo that when Princes made them, there were certain Laws enacted concerning them, and many Qualifications requir'd, ſuch as Integrity, a good Reputation, Fidelity, and Knowledge; a fair Hand, and a ready Conception, in order to couch in Writing, the Articles agreed upon betwixt Parties; they were to be Cloſe, Freemen, Chriſtians, and Natives of the Places where they were to officiate, that they might know the contracting Parties. And this Office requiring the utmoſt Fidelity, with us of old, the Nobility were not aſham'd to exerciſe it; and, as once it was not below the Nobility, particularly thoſe of *Salerno*, to practiſe Phyſick, ſo likewiſe many Noblemen of our *Sedeli* * did not think it below them to be Notaries formerly; *Marino Freccia* [1] declares, that he has ſeen many Inſtruments, Records, Inventories, and other ancient Documents, written by the Hands of noble Notaries, whoſe Families, he ſays, he would not name, for fear of diſpleaſing their Poſterity. Whence 'tis a Rule among us, that the Office of Notary does not derogate from a Man's Nobility, and that Notaries are not reckon'd among Tradeſmen [2].

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[1] Freccia loc. cit. num. 22.

[2] Budeus in annot. reliquis in PP.

[3] V. Aulis in Comment. ad tit. de verb. oblig. cap. 2. qu. 2.

[4] L. generali, C. de Tabular. lib 10.

[5] Inſtitut. §. cum autem, de Adopt.

[6] Novel. 44. de Tabel. Nov. 97. de Inſtrum. caut. lib. 1. C. Th. de Crim. falſi.

[7] Nov. 66. §. 1. in princ.

[8] Idem 44.

[9] Accur. l. ſi Pupillus abſens, D. Rem. Pupil. Salv. fore, & l. non aliter, D. de Adoption.

[10] Govean. 2. lect. 10.

[11] Forcat. Dialog. 98. num. 3.

* Certain Tribunals in the different Wards of the City of *Naples*.

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[1] Freccia de Subfeud. lib. 1. tit. de Offic. Logot. num. 14.

[2] V. Tap. de Jur. Regn. de Offic. Notar. num. 6, 7, 8.

SECT. VII.

Of the High Steward.

AS upon the Suppreſſion of the Maires of the Palace in *France*, four new Offices, with reſpect to War, Juſtice, the Finances, and the King's Houſhold had their Riſe; for War, the High Conſtable; for Juſtice, the High Chancellor; for the Finances, the High Treaſurer, chief Officer of the Chamber of Accounts; and for the King's Houſhold, the Great Maſter of *France*, of old call'd the *Count of the Palace*, that is to ſay, Judge of the King's Houſhold, who had the Government thereof.

IN the ſame manner in the Kingdom of *Sicily*, beſides the Officers already mention'd, in imitation of *France*, the Great Maſter of *Sicily* was created, and alſo by a *French* Word call'd *Siniſcalco*, or Steward of the King's Houſhold, of which he had the Charge, and furniſh'd it with all Sorts of Proviſions; it was likewiſe his Buſineſs to provide Corn and all other Fodder for the King's Horſes, to take care of the Foreſts, and the Game reſerv'd for the King's Diverſion, to have Inſpection over the King's Domeſticks, and other Servants, whom he had Power to correct and puniſh, except the Chamberlains, who were of the King's Bedchamber, and who undreſs'd and put the King to Bed, and all Privy Counſellors were alſo exempted from the Juriſdiction of the High Steward [1].

THEREFORE he was Judge of the King's Houſhold, and the whole Family of the Royal Palace was under his Care, as alſo all the other inferior Officers, who according to their ſeveral Employments had different Names, whence there ſprung many Offices that were not Offices of the Crown, but of the Royal Houſhold.

IN the Time of the *Normans* we find there were High Ssewards, call'd ſo, becauſe they were at the Head of, and commanded all the other inferior Stewards of the King's Houſhold; and tho' we cannot diſcover from Records who was *Roger*'s High Steward, yet in the Reign of *William* I. his Succeſſor, we find *Simone* a Kinſman of the famous *Majone*, was High Steward, whom *Pellegrinus* alſo mentions [2], and to whom *William* gave the Government of *Puglia* [3]; ſo that without doubt this Office, as well as the reſt, was introduc'd among us by the *Normans*.

'TIS likewiſe evident, that in the Time of the Kings of the Houſe of *Anjou*, particularly of *Charles* II. this Office was put on a better Footing, according to the Eſtabliſhment of this Office recorded by *Freccia*; whence ſprung thoſe leſſer Offices of the King's Houſhold in *Naples* depending on the High Steward; and the Reaſon was, becauſe *Charles* I. of *Anjou*, having fix'd his Royal Seat in *Naples*, the High Steward diſtinguiſh'd himſelf above all the other Officers of the King's Houſhold, which were many; therefore in the Time of theſe Kings of the Houſe of *Anjou*, we often find mention made of the Stewards of the King's Houſhold, of the King's Maſters of the Horſe, his Maſters of the Pantry, Grooms of the Stables, Chief Querries, Maſters of the Houſhold, Maſters of the Stud, Maſters Oeconomiſts, and the *Seneſcalli Regii Hoſpitii*, as we read in the Time of Queen *Joan* I. *Phichillus Gaetanus Reginalis hoſpitii Seneſcallus*; and in the Time of *Charles* III. *Nobilis vir Bartholomæus Tomacellus miles Regii hoſpitii Seneſcallus*; and under King *Ladiſlaus* we find *Paolino Scaglione* High Steward to this King, and others mention'd by *Tutino*[1]. So likewiſe there were other Officers of the King's Houſhold under the High Steward, ſuch as the Maſter Cook, the Maſter Butcher, the Judge of the King's Houſhold, the King's Chamberlains, his Huntſmen, Birdcatcher, Falconer, and others, of whom we ſhall have occaſion to diſcourſe more at large in the Reigns of theſe Princes.

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[1] Freccia de Subfeud. lib. 1. de Offic. M. Seneſcal.

[2] Pellegr. in Notitia Judicati, pag. 257.

[3] Capecelatr. lib. 2. pag. 77.

BUT as in the Time of the Kings of the Houſe of *Anjou*, the High Steward on account of ſo many Officers that were under him, was at his higheſt Pitch of Grandeur, and his Prerogatives were ſtill continu'd to him under the Kings of the Houſe of *Arragon*, becauſe they alſo made *Naples* the Place of their Reſidence; ſo afterwards, when this Kingdom came under the Dominion of the Houſe of *Auſtria*, and *Naples* was no more the Seat of the Kings, the Prerogatives of the High Steward were much diminiſh'd, and many of the abovemention'd Officers of the King's Houſhold ſuppreſs'd, and at laſt for the ſame Reaſon it was reduc'd to a bare Title of Honour, without Function or Office.

BY this Suppreſſion, many of theſe Offices that depended on the High Steward came to be more eſteem'd, and to be reckon'd (tho' none of the ſeven Offices of the Crown) at leaſt among the Chief of the Kingdom, no ways ſubordinate to others, ſuch as the Maſter of the King's Studs, his chief Huntſman, who has the Overſeeing of all the King's Huntſmen, his Foreſts and Game; and others, of whom we ſhall have occaſion to ſpeak in a more fit Place. 'Tis worthy of Obſervation, that in the *Notitia Imperii* there are to be found Officers that have ſome Reſemblance with each of thoſe we have hitherto nam'd; but as for the chief Huntſman, 'tis in vain to expect ſuch a one among the *Romans*, for their Emperors had no Inclination for Hunting, as our Kings had, who look'd upon that Exerciſe as proper for Warriors, ſuch as they were, who often went in Perſon at the Head of their Armies; they reckon'd that by going a Hunting they made themſelves acquainted with the Situation and Poſition of the Mountains, Valleys, Hillocks, Plains and Rivers, which, generally ſpeaking, have the ſame Poſitions all the World over.

THUS at preſent among us, by the long Abſence of our Kings, who have their Royal Seats elſewhere, the Office of High Steward is in a manner extinct, and only continues to be a Title of Honour; yet on ſome Occaſions, ſuch as in Parliaments, and at publick Solemnities, he retains his Prerogatives and Pre-eminences; he wears Purple Robes, and ſits in the laſt Place at the King's Feet, and is reckon'd one of the ſeven Officers of the Crown.

THUS did *Roger* eſtabliſh his Kingdom, and ſuch were the Laws and Polity which he introduc'd, and the Officers by whom the Kingdom was manag'd, which after ſo much Labour he brought to a ſolid State of Tranquillity. But his heroick Spirit, not content with having eſtabliſh'd the Monarchy in this manner, was wholly bent on acquiring new Kingdoms and Provinces, tho' ſituated in the more remote and diſtant Parts of *Africa*.

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[1] Tutin. degl' Offic. del. Regn. in. princ.

CHAP. VII.

Roger's *Expedition into* Africa. *His Virtues and Death.*

IN the mean time Pope *Innocent*, after he had govern'd the Church of *Rome* for the Space of Fourteen Years, on the 24th Day of *September* in the Year 1143, died in *Rome* much afflicted with the Trouble which the *Arnaldiſts* and *Romans* gave him, who had undertaken to reſtore their native Country to its antient Liberty, and to re-inſtate the antient Senatorian and Equeſtrian Orders, and to humble the Eccleſiaſtical State, on which account they had continual Broils with this Pope.

GUIDO CASTELLO a Cardinal, by the Title of St. *Mark*, was elected in his Room, and proclaim'd Pope by the Name of *Celeſtine* II. who had ſcarcely been Six Months in the Chair, when he became jealous of *Roger*'s Greatneſs, and endeavour'd to break the Peace made by his Predeceſſor with this Prince; but he was prevented by Death on the 8th Day of *March* in the following Year 1144. The Cardinals elected *Gerardo Caccianemico da Bologna*, Cardinal of the Holy Croſs, his Succeſſor, who took the Name of *Lucius* II.

THIS Pope, treading in the Footſteps of *Celeſtine*, was ill pleas'd with *Roger*; and this Prince, endeavouring to make him his Friend, they had an Interview in the Monaſtery of *Caſſino*; but not coming to an Agreement, by reaſon of the Obſtacles which the Cardinals threw in the Way, the King in a hoſtile Manner entered the State of the Church, took *Terracina*, and many other Places in the *Campagna di Roma* [1]. This made the Cardinals immediately remove the Obſtacles, and the Pope ſoon came to an Agreement, and having granted *Roger* many Prerogatives, *Terracina* and the other Places were reſtor'd to him again. Then it was, that this Pope, in order to the better eſtabliſhing of the Monarchy of *Sicily*, beſides what *Urban* II. had confer'd on *Roger*, granted him the Ring, the Sandals, the Scepter, the Mitre and the Dalmatick, and promis'd not to ſend any Perſon as Legate into *Roger*'s Dominions but ſuch as ſhould be acceptable to him [2], (tho' *Sigonius* [3] ſays, that theſe Ornaments were granted to *Roger* the following Year 1145, by *Honorius* III. and not by Pope *Lucius* II.) whence our Kings value themſelves in being not only Lords in Temporals, but likewiſe in Spirituals in *Sicily*; and indeed on the Money which *William* I. caus'd to be coin'd, on one Side we ſee the King crown'd with a Crown of four Rays, the Verge in his Hand, with the Dalmatick or Stole Croſs-wiſe on his Breaſt, and ſeated on the Royal Throne with the Sandals on his Feet [4].

THE *Arnaldiſts*, who continu'd to plague *Rome* under the famous *Arnaldo da Breſcia* their Head, who had been condemn'd by *Innocent* II. in the *Lateran* Council, accus'd *Lucius* before *Conrade* King of the *Romans*, that for a great Sum of Money, he had granted *Roger* his Enemy theſe Prerogatives, and had enter'd into a Confederacy with him [5].

ROGER return'd afterwards to *Palermo*, and this very Year *Anfuſus* Prince of *Capua* his Son, died, which Principality *Roger* gave to *William*, whom he alſo made Duke of *Naples*; and who afterwards ſucceeded him in his Dominions.

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[1] Pellegr. in Anon. Caſſin. anno 1143. Cron. di Foſſonova, ann. 1144.

[2] Otho Friſing. de reb. geſt. Frid. lib. 2. cap. 27, 28.

[3] Sigon. de Reg. Italiæ lib. 11.

[4] Inveges lib. 3. hiſt. Paler.

[5] Otho Friſing. de geſt. Frid. lib. 1. cap. 27, 28. Et Siculus dedit ei multam pecuniam pro detrimento veſtro, & Rom. Imperii.

Auguſtinus Inveges [1], and *Camillus Pellegrinus* [2] relate, that *Tancred* his ſecond Son, Prince of *Bari* and *Taranto*, died either in the Year 1142 or 1143, and that *Anfuſus* his third Son, died this Year 1144. *Roger* this ſame Year return'd to *Capua*, where he call'd the firſt general Meeting; for that which a little before he had call'd in *Ariano*, conſiſted only of the Prelates and Barons of *Puglia*: His Son *William* with the Archbiſhops, Biſhops and Abbots, with many Counts and Barons, were preſent in this Meeting; in which many provident Laws were made for the good Government of the Kingdom, and many Law-Suits were compounded, and particularly one that had ariſen betwixt *John* Biſhop of *Averſa*, and *Walter* Abbot of St. *Lorenzo*, in the ſame City, about the fiſhing of the Lake of *Patria* [3]; the Writ of which is recorded by *Chioccarelli* [4].

IN the Year 1145, Pope *Lucius* II. died in *Rome*, and the Cardinals elected *Bernard* Abbot of St. *Anaſtaſius*, Diſciple of St. *Bernard*, his Succeſſor, who took the Name of *Eugene* III. who, notwithſtanding that the *Romans* and *Arnaldiſts* continued to diſturb him, hearing that the Affairs of the Chriſtians in *Paleſtine* grew worſe and worſe, reſolv'd to relieve thoſe Holy Places, and, by his Letters, and the Perſuaſion of St. *Bernard*, the Emperor *Conrad*, and *Lewis* King of *France*, were mov'd to go with a great and powerful Army to the Holy Land. *Roger* would not enter into this Confederacy, becauſe the Intent of it was to preſerve the Kingdom of *Jeruſalem* to *Baldwin* III. and, as we have ſaid, he had always been puſh'd on by *Adelaida* his Mother, to conquer it for himſelf; ſo that having ſettled his Dominions in a ſolid and laſting Peace, and being of a heroick Spirit, and covetous of Dominion, he reſolv'd to extend his Conqueſts to other more remote Parts. Therefore he made every thing ready for an Expedition into *Africa*, and having order'd a great Fleet to rendezvous in *Sicily*, he imbark'd in it, and ſteer'd for the Kingdom of *Tunis*, and having attack'd that King, he made himſelf Maſter of the Cities of *Tripoly*, *Stace* and *Caſſia*, and ſo haraſs'd him in other Parts of the Kingdom, that he forc'd him to buy his Peace for a yearly Tribute [5], which continu'd to be pay'd for the Space of Thirty Years, both to himſelf and his Son *William*; whence, according to *Inveges* [6], the Church of *Tripoli* in *Africa* was made Suffragan to that of *Palermo*. *Roger*, proud of having made the King of *Tripoli* Tributary to him, took for his military Motto, which he caus'd to be engraven upon his Sword, this Verſe,

Appulus, & *Calaber*, *Siculus mihi ſervit*, & *Afer*.

HE likewiſe carried his victorious Arms into *Greece*; for the Emperor *Callo-Joannes* dying about this Time, was ſucceeded in the Empire by his Son *Emanuel*, who ſent Ambaſſadors to the King, deſiring to enter into Alliance with him by Marriage, and *Roger*, that it might take Effect, ſent Ambaſſadors to *Conſtantinople*; but the perfidious *Greek* changing his Mind, and amuſing them for ſome Time, caus'd them to be put in Priſon; which ſo inrag'd *Roger*, that he order'd a ſtrong Fleet to be conven'd at *Otranto*, and ſent it with a great many of his Barons into *Greece*, under the Command of *George* of *Antioch* his High Admiral, who having taken the City of *Mutine*, fell upon the Iſland of *Corfu*; and from thence he ſail'd into the *Morea*, and ſcowering along into the Gulf of *Saronico* near *Cancrea*, a Port belonging to *Corinth*, he deſtroy'd all that Country with Fire and Sword; from thence he went and ranſack'd all *Achaia*, and ruin'd *Thebe*, and committed Hoſtilities in all Places of the *Negropont* and *Bœotia*; from whence, beſides the rich Booty, he carried off with him the chief Workmen of the Silk Manufactures, and brought them to *Sicily* and theſe our Provinces, which Art had never been known in *Italy* before this Time; and had not the *Venetians*, who, at the Requeſt of the Emperor *Emanuel*, came to his Aſſiſtance with Sixty Gallies, oblig'd him to return to *Sicily*, he would have carried his victorious Banner to the Walls of *Conſtantinople*.

BUT all theſe Triumphs were imbitter'd by the Death of *Henry* his Fifth Son, there being now none left of ſo many Sons, but only Two, *Roger* Duke of *Puglia*, and *William* Duke of *Naples* and Prince of *Capua*. *Camillus Pellegrinus* ſays, that *Henry* died when he was very Young: but he is much miſtaken; for he was the Son of Queen *Albira*, who died in the Year 1134, and 'tis certain that *Henry* was at that Time a Youth at leaſt of 14 Years old. And what added to his Grief, was, that he diſcover'd that this Year 1149, the Emperor *Conrad* had enter'd into an Alliance with the Emperor *Emanuel* to his Prejudice, and ſoon after in the ſame Year, *Roger* Duke of *Puglia* died [1]. Therefore the King reſolv'd to marry again, and took to Wife *Sibilla*, Siſter to the Duke of *Burgundy*; but this Princeſs died the Year following 1150 in *Salerno*, and was buried in the Church of the *Trinity of the Cave*, where her Tomb is to be ſeen to this Day [2].

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[1] Inveg. Hiſt. Pal. tom. 3.

[2] Pellegr. part. 1. in ſtem. Pr. Capuæ.

[3] Capecelatr. hiſt. lib. 1. pag. 53.

[4] Chioc. de Archiep. Neap. A. 1118. in Marin.

[5] Anon. Caſſin. ann. 1145. Fr. Tolom. di Lucca Chron. tom. 3. Hiſp. illuſtr. fol. 375.

[6] Inveg. hiſt. Paler. tom. 3.

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[1] Romuald. in Chron.

[2] Anon. Caſſin. Anno 1150, Obiit Sibilla Regina, & Rex Rogerius conſtituit Gulielmm Ducem filium ſuum Apuliæ Regem.

SECT. I.

The Coronation of William I. *and the Deaths of Pope* Eugen, *and the Emperor* Conrad, *who was ſucceeded by* Frederick Barbaroſſa.

ROGER, being thus left alone, made *William* his Collegue, and caus'd him to be crown'd and anointed King of *Sicily* the ſame Year 1150, which Ceremony was perform'd in *Palermo* by *Hugo*, Archbiſhop of that City; whence *Inveges* ſays [1], that though the Family of *Caravella* claim it as their Right to crown the Kings of *Sicily*, nevertheleſs the *Palermitans* diſpute it with them, and ſay, that 'tis the Prerogative of their Archbiſhop. However that may be, in all Writs the Years of *William*'s Reign are computed from 1150, in which his Father made him his Collegue. And *Roger*, *Sibilla* having died ſo ſoon without leaving Children, married anew, and took to Wife *Beatrice* the Siſter of Count *di Reteſta*; this Queen after *Roger*'s Death, being left big with Child, brought forth *Conſtance*, whom *Henry* of *Suevia* married when ſhe was Thirty Years of Age, and by whoſe Right he afterwards became King of *Sicily*, as ſhall be related more at large in its Place; ſo that thoſe Authors are groſly miſtaken, who have written, that this *Conſtance* was a Nun; whence we may ſee, that what's told of *Roger* his having conſulted the Abbot *Gioachimo*, concerning his Prophecy relating to *Conſtance*, is a meer Fable; but ſome Authors, ſuch as *Vilani*, tell the Story of his Son *William*.

THE Year following 1151, the Emperor *Conrad* died in *Germany* in the City of *Bamberg*, not without Suſpicion of having been poiſon'd by *Roger*'s Means, who had ſtill been his Enemy, (as all the Kings of *Sicily* had been to the Emperors) neither had the famous *Peter*, Abbot of *Clugny*, been able to reconcile *Conrad* and *Roger*. His Nephew *Frederick* Duke of *Suevia*, ſurnam'd *Barbaroſſa*, a gallant and wiſe Prince, was elected his Succeſſor, whoſe Exploits ſhall be recorded in the following Book.

THE Year following 1152, Pope *Eugen*, after having reſtor'd Tranquillity in *Rome*, where he had been joyfully receiv'd, likewiſe died, and Cardinal *Conrad* a *Roman*, in the Year 1153, was elected in his Room, and took the Name of *Anaſtaſius* IV.

IN the mean time *Roger*, after having, by the Means of his Captains, conquer'd the City *Hippon* in *Africa*, famous for having been the See of the Great *Auguſtine*, laid aſide any more Thoughts of War, took up his Reſidence in *Palermo*, and ſpent the Two remaining Years of his Life in erecting perpetual Monuments both of his Magnificence and Piety; for beſides a ſtately Palace which he built in *Palermo*, and a noble Royal Chapel dedicated to St. *Peter*, and another Church in *Meſſina*, dedicated to St. *Nicholas*, he founded a noble Church to *Nicholas* Biſhop of *Mira*.

IN the Year 1078, as we have ſaid, the Bones of this Saint had been tranſported to *Bari*; and now on account of the Liquor which was ſeen to drop out of them, were become the Wonder of the World: The Fame of the Prodigy increas'd, and in theſe Times this Church and *Bari* grew ſo famous in the Eaſt, that it drew Veneration from the very Emperors of *Greece*, as may be ſeen in the *Novellæ* of the Emperor *Emanuel*, wherein ſo notable a Miracle is mention'd. *Roger*, out of Devotion, went frequently to *Bari*, moſt graciouſly confirm'd the Cuſtoms or Laws of that City, and erected this magnificent Church there, and declar'd it to be his Royal Chapel[1]: he would not have it to be ſubject to the Archbiſhop of the City, but abſolutely to the Pope, and inſtituted a Prior and many Canons in it: He inrich'd it with great Revenues, Caſtles and Farms, as may be ſeen by an Inſcription on Marble in that Place; though *Beatillo*, who wrote the Hiſtory of the City of *Bari*, and the Life of this Saint, mentions no ſuch thing; but gives the Church and Priory a more antient and different Riſe. Some will have it, that *Charles* of *Anjou* inſtituted that Priory, and declar'd this Church his Chapel Royal; of which we ſhall have occaſion to diſcourſe in another Place.

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[1] Inveg. hiſt. Pal. tom. 3.

ROGER gave likewiſe many noble Ornaments both of Gold and Silver, and the Inheritance of many Lands to St. *Matthew*'s Chapel in *Salerno*; and ſome rich Preſents to the Monaſtery of the *Trinity of the Cave*; and though he did not think fit to make uſe of Violence to oblige the *Saracens* and *Jews* that were in *Sicily* to turn Chriſtians, yet he was at great Pains to bring it about.

BUT this Prince, after having, by his notable Exploits, made himſelf ſo famous and renown'd in the World, in the Month of *February* of this Year 1154, fell ſick in *Palermo*, and died in the 58th Year of his Age[2]: A ſhort Life for ſo many noble Actions perform'd by him; whoſe Death was ſoon followed in the Month of *December* of the ſame Year, by that of *Anaſtaſius*; and *Adrian* IV. was elected in his Room.

ROGER was truly a great and illuſtrious Prince, whoſe magnanimous Exploits rais'd him to be one of the moſt powerful and greateſt Kings in the World, who not only ſtruck Terror into the Emperors of the Weſt, but alſo into thoſe of the Eaſt; and by his Conduct rais'd his Kingdom in the midſt of theſe Two potent Empires: He was no leſs prudent in Council, than brave in the Field, unſhaken in Adverſity, and moderate in Proſperity. An equal Admirer of gallant and learned Men, whom he invited from the moſt remote Countries, and rais'd to the firſt Honours of his Kingdom. He was judicious in making new Laws, and govern'd his Dominions with the utmoſt Juſtice. He had a great Affection for the *French*, his Forefathers having been of *French* Extract. He left notable Monuments of his Piety; and tho' ſome have charg'd him with Cruelty towards his Enemies and Rebels; yet he was not to be blam'd for that, ſeeing he was oblig'd to make uſe of all thoſe Means which are proper and neceſſary to a Prince, who was to eſtabliſh a new Kingdom.

I KNOW that St. *Bernard*, and the Emperor *Emanuel* ſpoke of him as a Tyrant and Uſurper; but the firſt, who was of *Innocent*'s and *Lothair*'s Faction, ſpoke the Sentiments of that Party; which was evident, for no ſooner had *Roger* made up Matters with *Innocent*, than the Title of Tyrant and Uſurper evaniſh'd; whence we have many Letters of the ſame *Bernard* written to *Roger*, full of Encomiums on him. And our modern *Neapolitan* Hiſtorian, ſays, that *Roger*, after this Peace, of the worſt, became the beſt of Men; for in the Opinion of Writers of this Kidney, he's a wicked Prince, who, in order to preſerve his own Rights and Royal Prerogatives, oppoſes the Popes; and he's a good Prince, who, to curry Favour with them, cringes, and is at their Devotion. As for the Emperor *Emanuel*, no other could be expected from him, becauſe he was his mortal Enemy, as all the *Norman* Princes were to the Emperors of the Eaſt, on account of the continual Wars they had with one another; thus, the Princeſs *Anna Comnena* calls the famous *Robert Guiſcard* a Robber, becauſe of the cruel War which he made on *Alexius Comnenus* her Father.

I likewiſe know, that ſome blame this Prince for having join'd the Faction of *Anaclet* the Anti-Pope, and rejected *Innocent*; but they ought to conſider, that by blaming *Roger* for this, they accuſe at the ſame Time almoſt the whole Catholick World, that then look'd upon *Anaclet*, and not *Innocent*, to be the true Pope.

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[1] Capecelatr. lib. 1. pag. 59.

[2] Camil. Pellegr. ad Anon. Caſſin. A. 1154. | Capecelatr. hiſt. lib. 1. pag. 59.

They were both created the ſame Day, and tho' *Innocent* was firſt elected, yet *Anaclet* had the greateſt Number of Votes; and the Suffrages of thoſe Cardinals, who after they had elected *Anaclet*, went over to *Innocent*'s Faction, could be of no ſtead to him. Though the People of *Rome*, and the chief Men of that City at firſt ſtuck by *Innocent*, nevertheleſs they afterwards publiſh'd to the World by ſeveral Manifeſtoes, that ſince they had come to the Knowledge of the Truth, they own'd *Anaclet* for true Pope. The Monks of *Monte Caſſino* with their Abbot, acknowledg'd him as ſuch: Many Cardinals, Biſhops and the chief Prelates of the Church, ſided with *Anaclet*; and many Princes and Kingdoms did the ſame; and before the Council of *Eſtampes*, a City betwixt *Paris* and *Orleans*, which decided in Favour of *Innocent*, *France* was very uncertain what Side to chuſe. *Henry* King of *England* was afraid to own *Innocent* for Pope, and till St. *Bernard* ſatisfied his Conſcience, he never would acknowledge him[1]. And though *Germany* was for *Innocent*, yet it was more owing to *Lothaire*, than to the want of Scruple of Conſcience. It was a hard Matter at this Time to diſcover Truth amidſt ſo many and oppoſite Factions under which it was diſguis'd; and the World was witneſs to a moſt deplorable Tragedy. *Innocent* excommunicated *Anaclet* with his Adherents; and *Anaclet* excommunicated *Innocent* with his Followers: *Bernard* and *Peter* of *Piſa* contended with one another, and both of them were reckon'd equally wiſe and learned. Many Diſputes aroſe amongſt the graveſt Divines of thoſe Times, inſomuch that by the Arguments of both Sides, the People were confounded. In which Circumſtance, as St. *Anthony*[2], ſpeaking of the Schiſm which fell out betwixt *Urban* VI. and *Clement* VII. very much to the Purpoſe, ſaid, tho' we muſt believe, that as there is but one Catholick Church, ſo likewiſe ſhe can have but one Head; nevertheleſs if through Schiſm, more Popes than one happen to be elected at the ſame Time, our Salvation do's not depend upon believing abſolutely this one or that one to be true Pope; but that one of them who has been lawfully elected, muſt be ſuch; and we are neither oblig'd to inquire narrowly, nor to know which of them has been lawfully elected; and the People are to be guided in that by their Superiors and Prelates; whence this ſame Writer does not condemn St. *Vincent Ferreri* of his own Order, for having ſpent almoſt his whole Life-time in *Avignon*, where *Benedict* XIII. kept his Court, and whom he acknowledg'd to be the true Pope, tho' the *Italians*, and many other Nations, look'd upon him as an Apoſtate and Schiſmatick, and eſpecially in ſo intricate and doubtful a Caſe; and many things may be ſaid to be lawful while doubtful; but not when the Truth is ſet in a clear light. If any thing derogates from the Worth of this Prince, it is, that after almoſt all the World had acknowledg'd *Innocent* as true Pope, and even after *Anaclet*'s Death, he obſtinately ſtood it out, and got others to be elected in his Room; but 'tis very clear he did ſo for Reaſons of State, and not of Religion: By this Behaviour he had a mind to humble *Innocent* his implacable Enemy, by keeping up the oppoſite Faction, whereby *Innocent* might be forc'd to be friends with him. But that did not take with the obſtinate Pope, who muſt needs put himſelf at the Head of an Army, in order to cruſh *Roger*. But it happen'd quite otherwiſe, for the Pope was taken in the Battle and made Priſoner. This Action made *Roger*'s Piety more conſpicuous, for tho' he had it in his Power to treat him according to the Laws of Victory, yet he then pay'd him Reſpect, and acknowledg'd him for the Vicar of Chriſt, and would make Peace with him, and he was afterwards the greateſt Defender that the Church of *Rome* had againſt the Incroachments both of the Emperors of the Eaſt and Weſt; as the famous *Robert Guiſcard* had been, and the Two *Williams* his Succeſſors were.

THIS Prince, by his ſo many Wives, left no Children but *William*, who ſucceeded him in the Kingdom, and *Conſtantia* his poſthumous Daughter: He foreſaw, that though he left him Heir to his Dominions, he would not inherit his Virtues: To his great Grief he had loſt all his other Sons, and Death had ſnatch'd away the beſt, and left the worſt; he had made *William* his Collegue, that he might learn of him the Art of Government.

BY the four Concubines which at different Times he had had, he left ſome Children. It was an Error in *Fazzellus* to write, that *Tancred* Prince of *Bari* or *Taranto*, was the Son of one of *Roger's* Concubines [1]; for, as we have ſaid, he was his lawful Son, by *Albiria* his firſt Wife. Neither was that *Tancred*, who was fourth King of *Sicily*, Son to this King *Roger*, but he was his Grandchild by *Roger* his eldeſt Son, Duke of *Puglia*, ſo that 'tis uncertain what Children *Roger* left by his firſt Concubine. By the Second he had *Simon*, to whom by his Will he left the Principality of *Taranto*; but King *William* his Brother took it from him, and gave him the County of *Policaſtro*. The Third was Mother of *Clementia* Counteſs of *Catanzaro*, who was firſt married to *Hugo di Molino* Count of *Moliſe*, and afterwards *Matteo Bonello*, Son-in-Law to the High Admiral *Majone*, courted her. The Fourth was Mother of her, whom Queen *Margaret* the Wife of *William* I. married to *Henry* her baſtard Brother, who got with her the County of *Monte Scaglioſo*.

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[1] Auth. Vitæ. S. Barnardi.

[2] Anton. 3. par. lib. 22. cap. 2. tit. 2.

WE are not to be ſurpriz'd to find this religious Prince keep Concubines in his Palace; for in theſe Times Concubinage was not ſo ignominious as at preſent. Formerly among the *Romans*, as we have obſerv'd elſewhere, it was look'd upon as a lawful Conjunction, and the Concubines were in a manner Wives, and Concubinage was call'd *Semimatrimonium*. And when Prieſts could marry, they were allowed to keep one of the Two, either a Concubine, or a Wife, as we read in the firſt Council of *Toledo*. Thereafter, the *Latin* Church not allowing Prieſts to marry, though the *Greek* Church did, there were many Councils held for prohibiting the Uſe of Concubines likewiſe, which Cuſtom requir'd the Labour of many Ages to extirpate it, as we have ſaid on another Occaſion; but Concubinage continu'd amongſt Laicks for many Ages; and tho' in the Eaſt, *Leo* by one of his *Novellæ* forbad it altogether, as *Conſtantinus Porphyrogenitus* afterwards did, yet in the Weſt the *Longobards* and many other Nations continued to practiſe it; and *Cujacius* writes, that even in his Time, ſome People in *France* towards the *Pyrenean* Mountains retain'd it. The *Normans*, who were exact Obſervers of the Laws and Cuſtoms of the *Longobards*, likewiſe kept it up; ſo that we muſt not wonder at *Roger's* keeping Concubines while he was a Widower; for none, except the *Jews* and *Turks* (who reckon'd Polygamy lawful) were ever allow'd to have a Wife and Concubine; or two Wives, or two Concubines at the ſame Time.

IN After-times, Concubinage was prohibited by the Civil Law, and by many Councils afterwards it was declar'd unlawful; ſo that it is not now, as formerly, a lawful Conjunction, but ſcandalous and opprobrious; and to keep a Concubine, is look'd upon at preſent to be as great a Crime, as to commit Adultery, Inceſt, or any other wicked Luſt. Thus Time changes Things, and what was formerly honeſt and lawful, becomes ſhameful and blame-worthy.

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[1] Inveges lib. 3. Hiſt. Paler.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK XII.

THE Reign of *William* I. was not ſo much confounded and diſturb'd by the Power of a foreign Enemy, as by the inteſtine Commotions of his Barons; and it was more remarkable for the Plots and Conſpiracies againſt his own Perſon, and the Great Men of his Court, than for Wars and Battles. The Occaſion of ſo much Miſchief was, that he undervalu'd the Actions of his moſt worthy Father, and ſuffer'd his Court, which his Father had reform'd and put on a good Footing, to go to ruin, partly by baniſhing, and partly by impriſoning thoſe Perſons whom *Roger* had moſt eſteem'd. For having indiſcreetly rais'd *Majone di Bari* to the chief Honours of the Kingdom, and made him his High Admiral, he likewiſe intruſted him with the whole Government of the Kingdom; he was ſo dear to him, that when he was ſurly and auſtere to others, he was open and ſerene to him; which ſo much offended the principal Barons, that they withdrew their Affection from him to that Degree, as turn'd the Kingdom topſy-turvy, as ſhall be related by-and-by.

AS ſoon as his Father was dead, tho' he had reign'd in company with him little leſs than four Years, he caus'd all the Prelates and Barons of the Kingdom to be aſſembled, and made himſelf to be ſolemnly crown'd anew in *Palermo*, on *Eaſter* Day this ſame Year 1154. And ſoon after this great Solemnity, the Birth of his ſecond Son *William*, by Queen *Margaret* his Wife, Daughter of *Garſias* II. King of *Navar*, was celebrated with great Magnificence and Feaſting; for his eldeſt Son

Roger was born while his Grandfather was alive [1]. There were no other Princes of the Blood in the Royal Family but *Roger* and *William* II. both Infants. Their Aunt *Conſtantia*, the poſthumous Daughter of *Roger*, was ſtill a Child. *Tancred* and *William*, the Sons of *Roger* Duke of *Puglia*, tho' but Youths, for Reaſons of State, were kept Priſoners in the Royal Palace in *Palermo*: Thus *William* was left alone at the Age of 34 Years, without the Aſſiſtance or Advice of Kinſmen, to govern the Kingdoms of *Puglia* and *Sicily*, and the other Provinces and Cities of *Greece* and *Africa*.

THEREFORE the High Admiral *Majone*, who was endued with Talents fit to raiſe a private Man to be a Prince, had free ſcope for impoſing on the King, and governing his Dominions without Controul. He was of a ready and piercing Wit, and fitted for the hardieſt and moſt difficult Undertaking; fluent in Speech, exceeding generous, a moſt cunning Diſſembler, and greedy of Command; for which end he had his Thoughts always employ'd in contriving how to arrive at the higheſt Pitch of Dignity and Honour; but he conceal'd all under a ſerene and chearful Countenance: he ſpent whole Days with the King on the Affairs of State, and the moſt ſecret Tranſactions were intruſted with him alone, and his Advice was ſolely acceptable and rely'd upon. His Authority gain'd him Friends and Partiſans, to whom, at his Pleaſure, he gave the Government of Provinces, Caſtles, and military Employments; and *William* was ſo much his Bubble, that whatever he was pleas'd to aſk was immediately granted: In order to remove all Obſtacles that poſſibly could ſtand in his way, he pretended to be in Love with the Queen, and ſully'd her Virtue, by gaining to his Intereſt all the *Saracen* Eunuchs, Keepers of the Royal Palace. In ſhort, he was the Director of the Kingdom; he was ſo forward to raiſe his own Family, that he advanc'd one of his Brothers, and one of his Sons, both of them nam'd *Stephen*, to the chief Military Employments, and made the Son of one of his Siſters, call'd *Simon*, High Steward of the Kingdom, and married one of his Daughters to *Matteo Bonello*, one of the principal Barons of the Kingdom; and he caus'd to be regiſtred by the Monks of *Monte Caſſino*, in a Book wherein the Deaths of Popes, Emperors, Kings, Sovereign Dukes, and ſuch like Perſonages were recorded, the Days on which *Leo* and *Curazzo*, his own Father and Mother, formerly very mean Perſons, died, in theſe Words; *Curazza Mater Madii magni Admirati Admiratorum objit* VII. *Kal. Aug. & Leo Pater Admirati Admiratorum objit* VI. *id. Septembris* [2]. And Cardinal *Laborante*, who in theſe Days was reckon'd the moſt knowing and learned Man that flouriſh'd in *Rome*, having compos'd a Book, *De Juſti, & Juſtitiæ rationibus*, which is to be ſeen at this Time divided into four Parts, he dedicated it to this *Majone*, as to the moſt renown'd and remarkable Perſonage in *Europe* at this Time.

HE being arriv'd to this Pitch of Grandeur, bethought himſelf how he might at laſt accompliſh his Deſign of uſurping the Kingdom; and finding that he had nothing elſe to do but to diſpatch out of the Way all thoſe who were able to obſtruct it, he employ'd all his Thoughts how to ruin them.

THOSE that he thought were moſt likely to baulk him, were *Simon* Count of *Policaſtro*, the baſtard Son, as we have ſaid, of King *Roger*, *Roberto da Baſſavilla* Count of *Loritello*, *William*'s Couſin-German, and *Eberard* Count of *Squillace*, who were all Men of conſummate Virtue, who could neither be brib'd nor cozen'd; and he was convinc'd, that while they were alive, all his Labour would be in vain. He began then to contrive their Ruin; and being ſenſible that *Hugo* Archbiſhop of *Palermo* was a fit Perſon to communicate his Deſign to, and be his Accomplice, by whoſe Aſſiſtance he ſhould the more eaſily be able to bring his Project to bear; for the Archbiſhop was a ſubtle and bold Man, both fit for any great Undertaking, and greedy of Command; therefore the Admiral began to ſound him by Degrees, by inſinuating, that if once the King were diſpatch'd, as being a Man both unfit for Government, and wicked, they might then eaſily take the young Sons into their Charge, by which Means they would be Maſters of all, till the Children ſhould be of Age. He would not diſcover his Reſolution of uſurping the Kingdom, for fear that the Heinouſneſs of the Crime might ſurprize him, hoping, that if he were once Tutor to the King's Children, nothing could ſtop him from putting his Deſigns in Execution. Therefore he enter'd into a ſtrict Friendſhip with the Archbiſhop, and they mutually ſwore to aſſiſt one another, happen what would; and the Admiral order'd Matters ſo, that the Archbiſhop became one of the King's Confidents and Creatures, in order to approve or diſapprove of the King's Actions, how wicked ſoever, as he thought fit.

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[1] Inveges lib. 3. hiſt. Paler.

[2] Libro Mortuale di Monte Caſſino.

THESE were the Foundations which *Majone* laid for ſupporting the lofty Fabrick of his Ambition: In the mean Time new Opportunities offer'd, which the Admiral ſeaſonably laid hold of in order to ruin his Rivals, and thoſe who were able to obſtruct his Deſign. Pope *Anaſtaſius*, as we have ſaid, had died in *Rome*, and *Adrian* IV. an *Engliſhman*, had been elected in his Stead. This Pope was offended at *William*'s having caus'd himſelf to be crown'd in *Palermo* without asking his Conſent, which the Popes pretend to be neceſſary to the Coronation of their Feudatory Princes, and the King having heard of *Adrian*'s Election, ſent Ambaſſadors to confirm the Peace which he had made with his Predeceſſor, but the Pope diſmiſs'd them without concluding any Thing. *William* went afterwards from *Palermo* to *Meſſina*, and from thence to *Salerno*, and while he was there, *Adrian* ſent Cardinal *Henry* with Letters to him, who not only would not receive them, but order'd the Cardinal immediately to depart his Kingdom; the King was likewiſe offended becauſe the Pope in his Letters did not give him the Title of King, but only *Lord of Sicily*, pretending that he could not give him that Title, becauſe he had been crown'd without his Permiſſion and Authority [1]. But *William*, who took it as an Affront to be oblig'd to ask of the Pope what was in his own Power, after having celebrated the Feaſt of *Eaſter* in *Salerno* this Year 1155, and created *Aſclettino* Archdeacon of *Catania* High Chancellor, and Governor of *Puglia*, in a bitter Paſſion order'd him to aſſemble a ſtrong Army to beſiege *Benevento*, lay waſte all its Territories, and take it in ſpite of the Pope. On the other hand *Adrian* excommunicated the King, who, beſides having commanded the Chancellor to beſiege *Benevento*, likewiſe order'd that none of the Biſhops of his Kingdom ſhould acknowledge the Pop[illegible] nor be conſecrated by him. Then, he left *Salerno*, and accompanied, with *Majone*, return'd to *Palermo*.

MEAN while the Chancellor, after having laid waſte the Territory of *Benevento* to the very Walls of the City, endeavour'd to ſurprize it, but it being bravely defended by the *Beneventans*, who put their Archbiſhop to Death, becauſe he had been diſcover'd to be a ſecret Friend and Partiſan of *William*'s, the Chancellor was forc'd to lay cloſe Siege to it: During the Siege, ſome Barons not ſatisfied with the preſent Government, and beſides ſpurr'd on by the Pope, deſerted the Army, and threw themſelves into *Benevento*, and others, without Leave, left the Camp; for which Cauſe, the Army being divided, the Siege was rais'd [2]. *Robert* Count of *Baſſavilla*, full of Rage return'd to *Puglia*, for he having been to wait upon the King while he was in *Salerno*, by the Means of *Majone* was ſo coldly receiv'd, that the King did not ſo much as ſpeak to him. The Chancellor with that part of the Army that had ſtuck by him, and ſome new levied Soldiers, march'd into *Campagna di Roma*, where he took and burnt *Cepparano*, *Bacucco*, *Fruſinone*, *Arce*, and other neighbouring Places; and afterwards in his marching back to the Kingdom, he caus'd the Walls of *Aquino*, *Pontecorvo*, and other Caſtles belonging to the Monks of *Monte Caſſino* [3] to be demoliſh'd, and beſides, he turn'd out all the Monks of that Monaſtery, becauſe they were Partiſans of the Pope, excepting twelve, which he left to take care of the Church, and return'd to *Capua*, where he remain'd in Company with Count *Simon*, in order to be at hand for the Defence of the Kingdom, and to prevent any Commotion of the Barons, who were cruelly vex'd at the Admiral's Power, which was ſo great, that it was a hard matter to diſtinguiſh whether he or *William* was King of *Sicily*; but more eſpecially to prevent a new Storm that was threatning; for it was rumour'd abaoad, that the Emperor *Frederick Barbaroſſa*, with a great Army, was on his march from *Germany* to *Italy*.

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[1] Romuald. Arc. di Saler. Eo quod in literis Apoſtolicis, quas Regi portabat, Papa eum non Regem, ſed Willel. Dom. Siciliæ nominabat.

[2] Hugo Falcand. Capecelatr. lib. 2.

[3] Anon. Caſſin. in Chr. fol. 141.

SECT. I.

The Emperor Frederick I. *enters into a League with* Emanuel Comnenus *Emperor of the Eaſt, and with the Pope makes War againſt King* William.

FREDERICK, as his Predeceſſors had been, was an implacable Enemy to the *Normans*, and as *Lothaire*, *Henry*, and *Conrade* had oppos'd *Roger*, ſo he bent all his Thoughts on driving *William* out of *Puglia* and *Sicily*, looking upon him as an Uſurper of the Provinces of the Empire. No Emperor had ever conceiv'd ſuch high Thoughts of the Empire reſtor'd by *Charles the Great* in the Weſt, as he did; for he look'd upon himſelf to be another *Octavianus Auguſtus*, and that all the Provinces which were formerly under that vaſt Empire, whether in *Aſia*, *Africa*, or in any other more remote Part of the World, belong'd to his Empire, and that therefore he had ſufficient Right to expel the Invaders; for *Saladin* had no ſooner made himſelf Maſter of many Places of *Syria*, than he immediately declar'd War againſt him, and by a thundering Letter threaten'd him, if he did not reſtore thoſe Places, which Letter is recorded in the Annals of *England* by *Roger*, and *Mathew Paris*, in which among other Brags and *Rodomantados*, he tells him, that he could not but know, that both the *Æthiopias*, *Mauritania*, *Perſia*, *Syria*, *Parthia*, where *Marcus Craſſus* died, *Judea*, *Samaria*, *Arabia*, *Chaldea*, and *Egypt* itſelf, where *Anthony* fell in Love with *Cleopatra*, *Armenia*, and a multitude of other Places were ſubject to his Empire. But *Saladin* anſwer'd him with no leſs Haughtineſs and Pride, as may be ſeen in his Anſwer recorded by the ſame Writers. 'Tis likewiſe known, that no Emperor before him, was ſeiz'd with the Whim of creating ſo many honorary Kings as he did; for he ſent the Sword and Royal Crown to *Peter* King of *Denmark*, the Dukes of *Auſtria* and *Bohemia*, to whom he gave the Title of Kings, as we have related in the preceding Book.

AND this Vanity of believing himſelf to be Lord of all the World, and of particular Cities and Places, was of ſo pernicious Conſequence to him, that when, according to theſe Notions (fomented by the fawning *Martin* the Civilian) he was impoſing ſevere and rigorous Laws upon the Nobility and Cities of *Italy*, all *Lombardy* revolted, which occaſion'd the Ruin of *Milan*, as we ſhall ſee anon.

BY the ſame airy Notions he look'd upon *William* as an Invader and unjuſt Uſurper both of *Puglia* and *Calabria*, therefore he employ'd all his Thoughts and Power in order to drive this Enemy from his Throne; but conſidering that of himſelf he could not bring it to bear, for tho' he could bring an Army into the Field ſufficient to conquer *Puglia*, yet for want of Sea Forces, it was impoſſible to undertake any Thing againſt *Sicily*; therefore the preceding Year 1154, after having call'd a Dyet at *Ratiſbon*, he had ſent Ambaſſadors to the Emperor *Emanuel Comnenus* to ſollicit an Alliance with him againſt *William* [1]. *Emanuel* was as jealous of the Growth of the *Normans* as *Frederick*, for they had not only poſſeſs'd themſelves of *Sicily*, but had likewiſe got footing in *Greece*, and had extended their Conqueſts to the very Gates of *Conſtantinople*. *William* found himſelf betwixt two powerful Enemies, united and confederated together. It was truly a very unaccountable Thing to ſee *Frederick* on the one hand boaſt, that *William*'s Dominions belong'd to his Empire of the Weſt; and on the other hand *Emanuel* threaten'd, that he and his *Romans* would never deſiſt from making War in *Italy*, until it, and the whole Iſland of *Sicily* were reſtor'd to his Empire, from which they had been wreſted [2]. *Frederick* likewiſe found Means to get the *Piſans*, who were then powerful at Sea, to enter into this League againſt *William*; who being alſo involv'd in a War with the Pope, and jealous of the Loyalty of his Barons, was ſeiz'd with ſuch a Conſternation and Melancholy, that abhorring to ſee any Perſon, he was always ſhut up in his Palace, where he only convers'd with *Majone* and the Archbiſhop, from whom he learnt how the Affairs of his Dominions went, not as was fitting, but as beſt ſuited with their Deſigns. And in the mean while, *Majone* perceiving that he could not expect a more fit Opportunity than the preſent for accompliſhing his deep Deſigns; he made the King believe that the Count of *Loritello* had retir'd to *Puglia*, on purpoſe to get himſelf made King, by Virtue of a certain Teſtament of *Roger*'s, wherein 'tis ſaid, that he ſhould ſucceed in caſe his Son *William* was not found fit to govern his Dominions; and therefore he ought to order *Aſclettino* to invite him to *Capua*, and upon his Arrival to make him Priſoner, and ſend him under a ſtrong Guard to *Palermo*. But the Count immediately ſuſpected this Invitation, and afterwards having diſcover'd the Trick, he refus'd to obey the Chancellor, who commanded him in the King's Name, to deliver over his Soldiers to Count *Boemondo*, and in a great Paſſion told him, it was the Order of a Fool, or a Traytor, and forthwith left *Puglia*, and with all his Men went to *Abruzzo*. *Majone* not content with this, at the ſame Time reſolv'd to ruin Count *Simon* likewiſe, by artfully ſowing Diſſention betwixt the Count and the Chancellor, and a Mutiny happening among the Soldiers, he repreſented the Matter at Court, not as it really was, but as he thought fit, adding, that the Count was the Occaſion of thoſe Tumults, and that there was a ſecret Correſpondence, by Letters, carried on betwixt him and Count *Robert*, about Affairs of great Conſequence; this was enough to make the King believe that the Counts *Simon* and *Robert*, with many others, were in a Plot againſt him, in order to dethrone him; whereupon *William*, who was always jealous of his neareſt Kinſmen, invited Count *Simon* to *Palermo*, and without giving him Time to alledge any Thing in Defence of his Innocence, he caus'd him to be ſhut up in Priſon, which rais'd Indignation in every Body againſt the Admiral, by whoſe Means all theſe Miſchiefs were brought about.

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[1] Sigon. de Regn. Ital. p. 287.

[2] Jo. Cinnamus hiſt. Comnena, lib. 4.

AT this very Time it happen'd, that the King, either on account of a violent Fit of Sickneſs, or for ſome other Reaſon, ſhut himſelf himſelf ſo cloſe up in his Palace for ſeveral Days, that he could neither be ſeen nor ſpoke to by any Perſon, except by the Archbiſhop and *Majone*; which made it to be rumour'd abroad in his Dominions, that he had died of Poiſon given him by the Admiral. This Report being ſpread in *Puglia*, occaſion'd terrible Commotions, inſomuch that many Provinces immediately revolted; for Pope *Adrian* taking Advantage of the Opportunity ſtirr'd up the Barons of *Puglia*, and thoſe whom *William* had expell'd, to riſe in Arms all of a ſudden [1]. They had ſuch an Averſion to the King on the Score of *Majone*, that it was no hard matter to bring about a Rebellion; therefore *Calabria*, *Puglia*, and *Terra di Lavoro* were immediately imbroil'd in a cruel War, and full of Tumults and Sedition. Count *Robert* having aſſembled a great Army in the Neighbourhood of *Abruzzo*, ſurpriz'd many of the Maritime Cities of *Puglia*, as far as *Taranto*, and having taken *Bari*, with the Conſent of the Citizens, he caus'd the Caſtle built by *Roger* a few Years before, to be demoliſh'd; and beſides, together with the Pope, prevail'd upon the Emperor to join them, by promiſing to reſtore *Puglia* to the Empire of the Eaſt. *Emanuel* ſent a good Army commanded by gallant Officers, and a great Sum of Money to *Brindiſi*; for which end they repair'd the Harbour of that City, whither *Emanuel* reſolv'd to ſend more Troops.

THE Report of the King's Death occaſion'd the like Commotions in *Terra di Lavoro*; for *Robert* the exil'd Prince of *Capua*, who hitherto had led a private Life in *Sorrento*, which *Roger* had wink'd at, whence he was alſo call'd *Robert of Sorrento* [2], wanted not to be ſpurr'd on by the Pope, but came quickly to *Capua*, and took Poſſeſſion of his ancient Inheritance, and ſoon after he not only intirely ſubjected all the Cities of his own Principality, but having likewiſe march'd into *Puglia*, he ſubdu'd all the reſt, excepting *Melphis* and *Troja*. And the King's Affairs were in ſuch a bad Situation in the Country of the *Picentini*, and *Terra di Lavoro*, that nothing remain'd under his Obedience but the Cities of *Amalphis*, *Naples* and *Salerno*, and a few Forts and Caſtles, for *Riccardo dell' Aquila* Count of *Fondi*, had taken *Seſſa* and *Tiano*, and the Count *Andrea da Rupe Canina* had poſſeſs'd himſelf of *Aliſe*.

IN the mean Time the Fear of greater Troubles increas'd; for the Emperor *Frederick* had come from *Germany* to *Rome*, where he had been receiv'd with great Pomp, and ſolemnly crown'd in St. *Peter*'s Church by Pope *Adrian*; and before his Coronation, the Pope had made him promiſe, that beſides his marching into *Puglia* againſt *William*, which, out of Emnity, he would have done without being deſir'd,

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[1] Inveges, lib. 3. hiſt. Paler.

[2] Camil. Pel. in Stem.

he ſhould likewiſe depoſe the Senators of *Rome*, and reduce that City, as formerly, under his, the Pope's, Obedience. But *Frederick* could neither perform the one nor the other, for not only the Plague had ſeiz'd his Army, but he was oblig'd to return to *Germany*, and on his march to quell the Commotions that had ariſen, in ſome Cities of *Lombardy*, and now that he was crown'd, he made no account of his Promiſes, only he animated the *Piſans* to ſend their Fleet againſt *William*.

ALTHO' the Pope had been thus bubbled by *Frederick*, nevertheleſs he was no ways diſhearten'd, but was reſolv'd to make the beſt of this favourable Juncture; for having aſſembled a great Army, the beſt way he could, and put himſelf at the Head of it, he enter'd the Kingdom, and immediately Count *Andrea di Rupe Canina*, and the Malecontent Barons join'd him; he was likewiſe join'd by *Robert*, now Prince of *Capua*, who march'd into *Terra di Lavoro*, and from thence to *Benevento*, where he was honourably receiv'd: On the other hand the Emperor *Emanuel* reſolving to be reveng'd of the Injuries he had receiv'd from *Roger*, upon his Son *William*, had ſent *Paleologus*, *Cominatus*, *Sebaſtus*, and other renown'd and brave Captains, with a good Body of Troops, and a large Sum of Money into *Puglia* to *Robert*'s Aſſiſtance; and beſides he had ſent the Pope Word, that he would aſſiſt him to ruin *William* altogether, provided he would put him in Poſſeſſion of three Maritime Cities of that Province, with which Reinforcement Count *Robert* carried on a terrible War in *Puglia*, and had already poſſeſs'd himſelf of a great Part of it.

SUCH was the deplorable State to which theſe our Provinces were reduc'd in this Year 1155. Tho' the King was appriz'd of all theſe Miſchiefs, yet they were not ſufficient to oblige him to ſhake off his Indolence, which had ſo glued him to the Pleaſures of a Court, that his being coop'd up in his Palace, had given Riſe to the falſe Report of his Death; for *Majone*, diſguiſing his own inward Trouble with a chearful Countenance, did not diſcover his Fear to the King nor the Archbiſhop, only he thought fit to deſire the King to write to thoſe who had continu'd Loyal to him, that the Report of his Death was falſe, and invented by his rebellious Subjects, againſt whom he order'd them to take Arms.

BUT tho' the Commotions of theſe Provinces occaſion'd by *Majone*, were not ſufficient for rouzing the King out of ſo long and deep a Lethargy, yet thoſe which were rais'd in *Sicily*, and ſoon after in the very City of *Palermo* were; for Count *Giuffredi*, having diſcover'd *Majone*'s Conſpiracy, tho' the King would not give credit to it, revolted; and the *Sicilians*, on account of the Admiral's Tyranny, riſing up in Arms, poſſeſs'd themſelves of *Butera*; and the Citizens of *Palermo* making a terrible Uproar for the unjuſt Impriſonment of Count *Simon*; all theſe and other Things join'd together, at laſt rouz'd the King to that Degree, that, forſaking the Pleaſures of his Court, and expoſing himſelf to the greateſt Dangers, he pacified the Tumults in *Palermo*, by ſetting Count *Simon* at Liberty, and recover'd *Butera*; and having reſtor'd that Iſland to its former Quiet, he reſolv'd to go in Perſon to *Puglia*, in order to ſubdue his rebellious Subjects, and reſtore Peace in that Kingdom; for which end he went to embark at *Meſſina*, where he was met by the Chancellor, of whom Count *Simon* made heavy Complaints to the King, for not defending *Terra di Lavoro* as he ought to have done; the Chancellor boldly endeavouring to defend himſelf, was not heard, but immediately put in Priſon, where ſome Years after he ended his Days. *William* having aſſembled an Army the beſt way he could, left *Meſſina*, landed in *Puglia*, and in the Beginning of this Year 1156 incamp'd at *Brindiſi* [1]; from thence he ſent the Elect of *Catania* to make Peace with the Pope, by offering him advantageous Conditions; but by the Means of ſome Cardinals who were Partiſans of the Emperor *Frederick* he was diſmiſs'd without concluding any thing; whereupon the King, ſeeing there were no Hopes of an Agreement, without any more ado, boldly inveſted *Brindiſi*, where the *Greeks*, and the greateſt Part of his rebellious Barons were: He beſieg'd it ſo cloſely, that *Roberto da Baſſavilla*, who commanded the City, being terrified, fled to *Benevento*, and the King ſo annoy'd that City with continual Attacks both by Sea and Land, that at laſt he took it, and made all the *Greeks*, with their Officers, and the rebellious Barons, with their Followers, Priſoners, of which laſt he caus'd a great many to be hang'd, and the Eyes of others to be put out; he likewiſe got the rich Spoils of the

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[1] Inveges, lib. 3. hiſt. Paler.

Greeks, and a great Sum of Money which they had brought with them for the Occaſions of the War[1].

THE King with his victorious Army march'd afterwards to *Bari*, whoſe Citizens ſeeing that neither the Pope, nor the Count, who had been the Promoters of the Rebellion, ſent them Aſſiſtance, reſolv'd to ſurrender themſelves to the King's Mercy; and in order to mitigate his Wrath, they went diſarm'd to meet him and aſk his Pardon; but *William* obſerving the Ruins of the Caſtle, which his Father *Roger* had built there, and which the *Bareſians* had demoliſh'd, anſwer'd them, *I ſhall not ſpare your Houſes, becauſe you have had no Regard for mine*[2]: He then order'd, that within two Days they ſhould all depart with Bag and Baggage; which being put in Execution, he likewiſe caus'd the Walls of the City to be demoliſh'd to the very Foundation, and the Houſes to be pull'd down and levell'd with the Ground. Thus was *Bari* deſtroy'd, which for its Richneſs, the Nobility of its Citizens, Populouſneſs, the Beauty of its Palaces, and the Strength of its Walls, of all the other Cities of *Puglia* was the firſt, and once the Seat of the greateſt Perſonages of *Greece*. This may convince us of the Error of thoſe, who will have *Bari*, in the Time of Queen *Conſtantia*, and *Manfred*, to be reckon'd a Royal Seat, where theſe Princes were crown'd; for *Bari*, after this Misfortune, was reduc'd to ſome Villages, and it was long after that it recovered the Face of a City. Thus we ſee the Viciſſitude of worldly Things, and how theſe Changes ſerv'd to raiſe *Naples* above all the other Cities of this Kingdom; for tho' *Salerno* was at this Time in being, yet not many Years after we ſhall find this City likewiſe ruin'd and deſtroy'd, by the Hatred which *Henry* the Husband of *Conſtantia* bore it.

THE King afterwards took *Taranto*, and all the other Places of that Province, which Count *Robert* and the *Greeks* had taken Poſſeſſion of; and from thence he march'd to *Benevento*, whither Pope *Adrian* with his Cardinals, and a great Number of Barons had fled, to which Place he laid cloſe Siege, and ſo haraſs'd that City, that the Pope, without the leaſt Regard for the Barons of the Kingdom whom he had involv'd into theſe Difficulties and Dangers, ſeeing the Peril he himſelf was in, for not having accepted the advantagious Conditions of Peace which *William* had offer'd him, ſent three Cardinals his Legates, to beg Peace of him. Theſe were *Ubaldo* Cardinal of *Sancta Praxide*; *Giulio* Cardinal of St. *Marcello*; *Rolando* Chancellor of the Holy Church, and Cardinal of St. *Mark*[3]; and as *Gregory* II. wrote three Letters to *Pepin* in the Name of St. *Peter*, ſo they in the Name of the Prince of the Apoſtles, begg'd of *William* to forbear diſturbing the Pope any more, and to preſerve intire the Rights of God's Church.

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[1] Capecelatr. Hiſt. lib. 2.

[2] Anon. Caſſ. anno 1156.

[3] Guliel. Tirio apud Baron.

SECT. II.

Articles of Peace ſettled with Pope Adrian, *and Inveſtiture given by him to King* William; *whereupon a Peace with the Emperor* Emanuel *follow'd.*

THE Legates were courteouſly receiv'd by the King, who willingly heard the Propoſals of Peace which they laid before him, and he on his Part appointed Five Plenipotentiaries for ſettling the Articles. Theſe were the High Admiral *Majone*, *Hugo* Archbiſhop of *Palermo*, *Romualdus* Archbiſhop of *Salerno*, *William* Biſhop of *Calano*, and *Marinus* Abbot of *Monte Caſſino*; who meeting with the Three Cardinals, agreed on the Articles of Peace, as they are recorded by *Baronius*, and as we ſhall relate them by and by; in which Peace the Barons were not only not comprehended, but all of them excluded, and it was only made betwixt the Pope and the King.

THEN *William* coming to the Church of St. *Mark*, which is without the Walls of *Benevento*, on his Knees at the Pope's Feet, receiv'd Abſolution from the by-paſt Cenſures, and on his Part in Preſence of many Cardinals, Barons, and a multitude of other Spectators, did Homage to the Pope for the Kingdom, and ſwore Fealty; *Otho Francipane* read the Words of the Oath, and the Pope putting the Crown upon his Head, gave him Inveſtiture, firſt by delivering to him one Standard for the Kingdom of *Sicily*, then another for the Dukedom of *Puglia*, and a Third for the Principality of *Capua*.

THE Inveſtiture, which Pope *Adrian* at this Time gave to *William*, was the moſt ample, and by far the moſt advantagious of all that ever had been by other Popes given to the *Norman* Princes; for he not only inveſted him with the Kingdom of *Sicily*, the Dukedom of *Puglia*, and Principality of *Capua*, with all their Dependencies, as other Popes had done; but *Adrian* did what *Gregory* VII. and his Succeſſors on no account would ever yield to, which was to inveſt *William* likewiſe with *Salerno*, *Amalphis* and *Naples*, with their Appurtenances, with *Marca*, and all the other Lands which he poſſeſs'd. This Inveſtiture was not only given to *William*, but alſo to his Son *Roger*, whom his Father the preceding Year 1155, when he was but four Years of Age, had created Duke of *Puglia* and *Calabria*, and to all his Heirs, whom he by a voluntary Deſtination ſhall appoint to ſucceed him in the Kingdom; theſe are the Words of the Writ of Inveſtiture, likewiſe recorded by *Baronius*; *Profecto vos nobis, & Rogerio Duci filio noſtro, & hæredibus noſtris, qui in Regnum pro voluntaria ordinatione noſtra ſucceſſerint, concedetis Regnum Siciliæ, Ducatum Apuliæ, Principatum Capuæ, cum omnibus pertinentiis ſuis; Neapolim, Salernum, & Malphiam cum pertinentiis ſuis; Marchiam, & alia quæ ultra Marſicam debemus habere, & reliqua tenementa, quæ tenemus a prædeceſſoribus noſtris hominibus Sacroſanctæ Eccleſiæ jure detenta, & contra omnes homines adjuvabitis honorifice manutenere.* The King for his Part, promis'd to pay the Pope for *Puglia* and *Calabria*, Six hundred *Schifati*, and for *la Marca* Five hundred, as Quit-rent.

ON this Occaſion there were many Articles agreed upon concerning Appeals, Elections, and other Things touching the Eccleſiaſtical Polity and Government of the Kingdom of *Puglia*. As for Appeals, it was ſtipulated, that if any Clergy-man in *Puglia*, *Calabria*, and the Lands of the Neighbourhood, ſhall have occaſion of Complaint concerning Eccleſiaſtical Affairs, againſt another Clergyman, and which cannot be redreſs'd by the Chapter, Biſhop, Archbiſhop, or other Eccleſiaſtical Perſon of that Province, it ſhall be lawful, if he ſhall think fit, to appeal to the Church of *Rome*. That if the Neceſſity or Advantage of the Church ſhall require it, Tranſlations from one Church to another may be made. That the Church of *Rome* may freely perform Viſitations and Conſecrations in the Cities of *Puglia* and *Calabria*, and the adjacent Places, excepting however the Cities in which the King or his Heirs may happen to be at the Time, to which their Conſent muſt be had. That the Church of *Rome* may freely ſend Legates into *Puglia* and *Calabria*, and the neighbouring Places, who are to behave themſelves moderately, without invading or waſting the Poſſeſſions of the Church.

THAT in *Sicily* likewiſe, the Church of *Rome* may make Viſitations and Conſecrations; and that if the King or his Succeſſors, ſhall call Eccleſiaſtical Perſons from *Sicily*, either to be crown'd by them, or for other Affairs, they are to anſwer the Call, and he may oblige thoſe he ſhall think fit to ſtay with him. As for other Matters, the Church of *Rome* ſhall have the ſame Privileges in *Sicily* that ſhe has in the other Parts of the King's Dominions, excepting as to Appeals, and the Privilege of ſending Legates, which ſhall not be ſent without the Deſire of the King or his Heirs. The *Roman* Church ſhall retain in the Churches and Monaſteries of the King's Dominions, all that ſhe retains in other Churches, ſuch as the wonted Conſecrations and Benedictions, and they ſhall pay to her the uſual and eſtabliſh'd Taxes.

CONCERNING Elections, it was ſettled, that the Clergy being conven'd, are to elect a Perſon whom they ſhall judge worthy, and to conceal him, until they divulge him to the King, who ſhall approve of him, unleſs he find him to be in a Confederacy with Traitors and Enemies to the King and his Heirs, or for any other Cauſe, whereby he thinks him unworthy of his Aſſent. Such were the Articles of this Peace ſign'd at *Benevento* in the Month of *June* 1156, and as they concern the Eccleſiaſtical State, we ſhall have occaſion to mention them in another Place.

THE Barons of *Puglia*, contrary to all their Expectations, ſeeing themſelves thus deſerted by the Pope, and left a Prey to the King's Wrath, were ſo terrified, that they immediately made their Eſcape. Count *Roberto da Baſſavilla*, and Count *Andrea da Rupe Canina*, with ſome others, fled to *Lombardy*, and ſhelter'd themſelves under the Emperor *Frederick*'s Protection, who imploy'd them in the War which at that Time he had with the People of the *Milaneſe*; but *Robert* Prince of *Capua* with his Followers, likewiſe endeavouring to make his Eſcape out of the Kingdom, in paſſing through the Territories of *Riccardo dell' Aquila* Count of *Fondi* his own Vaſſal, where he thought himſelf ſafe, was taken with all his Men as he croſs'd the *Garigliano*, and deliver'd up to the King [1]; by which Piece of Treachery Count *Riccardo* was reſtor'd to *William*'s Favour; but he did not eſcape the Infamy of his Treachery. The Prince with one of his Sons, and a Daughter, at the Admiral's Deſire, were ſent Priſoners to *Palermo*, where the Prince had his Eyes put out, and ſoon after died in Priſon. Such was the End of *Robert* Son of *Giordano* II. Prince of *Capua*, deſcended of the moſt noble Blood of the *Normans*, after he had ſo often loſt and recover'd his Principality, which was altogether extinguiſh'd in him, and united to the Kingdom of *Puglia*, as it continues to this Day: Another Son of his nam'd *Giordano*, after this Misfortune of the Father, fled to *Conſtantinople*, and put himſelf under the Protection of the Emperor *Emanuel*, who afterwards ſent him Ambaſſador to *Alexander* III. in the Year 1166, as ſhall ſhortly be related [2].

AFTER all theſe Matters were over, the Pope went to *Compagna di Roma*, and the King having defeated the *Greeks*, baniſh'd ſome of his Enemies, impriſon'd others, and put the reſt to death, or reſtor'd them to Favour, gave the Government of *Puglia* to *Simon* the High Steward, Brother-in-Law to *Majone*, and having thus quieted the Tumults of the Kingdom, he return'd to *Palermo*.

WILLIAM was no leſs ſucceſsful in the War which ſhortly after he made with the Emperor *Emanuel*; for he equipt a great Fleet, and gave the Command of it to *Stephen*, *Majone*'s Brother, who fought that of the *Greeks* on the Coaſt of *Peloponneſus*, and obtain'd a compleat Victory over them. *Emanuel* was ſo much ſtruck with this Victory, that he was deſirous of Peace with *William*, and having ſent Ambaſſadors to him for that end, it was at laſt concluded, and all the *Greeks* that were in *Sicily* were ſet at liberty, and though hitherto neither *Emanuel*, nor any of his Predeceſſors by any means could be brought to give *William* the Title of King, nevertheleſs from this Time forward he acknowledg'd him as ſuch [3]; and this Peace was made ſo firm and ſolid, that 'tis certain from this Time forth there were never any Wars heard of betwixt the *Normans* and the Emperors of the Eaſt.

THUS *William* having reſtor'd Tranquillity in his Kingdom, and made Peace with the Pope, and the Emperor of the Eaſt, in theſe firſt Years of his Reign, he acquir'd the Title of Great; and there was good Reaſon to hope, that this Peace would have been durable, if it had not been diſturb'd by *Majone*; for the King attributing all theſe proſperous Events to his Conduct and Prudence; the Admiral was arriv'd at that pitch of Greatneſs, that he ſeem'd rather to be King, than Admiral of *Sicily*; which gave freſh Provocation to the Malecontent Barons to hatch thoſe Plots and Tumults, of which we ſhall give an account by and by.

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[1] Camil. Pel. ad Anon. Caſſ. ann. 1156. Ugo. Falcan.

[2] Acta ejuſdem Pontificis apud Baron. Camil. Pel. in Stem.

[3] Jo. Cinnam. de reb. geſt. Jo. & Emanuel. Comn. lib. 4. Paulo poſt, & Regem eum appellavit, cum prius non eſſet.

CHAP. I.

The Emperor Frederick, *being offended at the Pope for the Peace he had made with* William, *return'd anew into* Italy. *Held a Diet in* Roncaglia, *and reſtor'd the* Regalia *in* Italy.

IN the mean time the Emperor *Frederick*, being inform'd by the Counts *Robert* and *Andrew*, and others of the King's Rebels, who after the Concluſion of the Peace, had fled to *Lombardy*, that the Pope by ſecret Articles had made Peace with *William*, and excluded all others, was very much offended at *Adrian*, and complain'd of him to all the *German* Princes and Prelates; whereupon the Biſhops of *Germany* did not ſtick to write a Letter to the Pope on that Subject, wherein among other Things they upbraided him with this Peace [1].

AND the Emperor himſelf in a Letter to *Eberard* Archbiſhop of *Saltzburg* [2], complain'd of this Peace; and therefore from this Year 1158, declar'd himſelf as much an Enemy to the Pope, as he was to *William*, and being afraid leſt theſe two joined together ſhould aboliſh the Authority of his Empire in *Italy*, he began to be more ſevere upon the Cities of *Lombardy*; for which end he reſolv'd to go to *Italy* as he did, but full of high-flown and extravagant Notions; and being arriv'd in *Lombardy*, after having defeated the People of the *Milaneſe*, and ſubjected their City of *Milan*, according to the Cuſtom of his Predeceſſors, he ſummon'd a Diet in *Roncaglia* for ſettling the Articles of Peace, and taking the State of that Province into Conſideration. It was at this Time, that *Frederick* on his March, paſſing by a fine Caſtle, ask'd whoſe it was? and being told who the Owner was, ſome of his Flatterers ſaid, It's your own, Sir, for the Dominion of the whole World, and even of private Poſſeſſions, belongs to the Emperor: Some of the Emperor's Retinue, who could not bear ſuch impudent Flattery, objected againſt the Anſwer; inſomuch that it occaſion'd a great Debate, which the Emperor order'd to be decided by the wiſe Men, and Lawyers of the Cities of *Lombardy*.

SOME Years before, during the Empire of *Lothaire*, the Pandects having been found in *Amalphis*, and, as we have ſaid, *Irnerius* having imploy'd all his Skill in explaining, and publickly teaching them, his School had bred up many, who, after his Example, gave themſelves wholly to the Study of the Pandects, and the other Books of *Juſtinian*. Whence it came to paſs, that in the Cities of *Italy*, many, encourag'd by the Novelty, Elegancy, and Wiſdom of theſe Laws, imploy'd all their Study in learning them; ſo that from *Irnerius*'s School, as from the *Trojan* Horſe, came forth many Civilians, and the Study of the *Roman* Juriſprudence was moſt frequent, and Scholars and Profeſſors were equally numerous; but ſeeing this Study began in an Age of Ignorance, when without the Help of other *Latin* Books, the *Roman* Hiſtory and Learning, theſe Laws could not be well underſtood; they who firſt taught them, without theſe Means, fell into many childiſh Errors, not through their Fault, but that of the Age; for ſome of them were Men of admirable Genius, and tho' Learning and Hiſtory have been eclips'd, yet the World was never quite deſtitute of Men of good Parts; for Nature is a punctual Obſerver of her own Laws, and has diſtributed Endowments with an impartial Hand.

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[1] Epiſt. apud Inveges lib. 3. hiſt. Paler. Hæc & alia utpote de concordia Rogerii, & Willielmi Siculi, & aliis quæ in Italia factæ ſunt conventionibus, quæ ab ore Imperatoris audivimus, &c.

[2] Inveges loc. cit. neque eam pacem tenere, neque ea teneri vellemus; quoniam ipſe prior violaſſet in Siculo, ipſe ſine nobis reconciliari non debuiſſet.

FOR theſe Reaſons it being found in ſome Laws of the Pandects, that the Emperor *Antoninus*[1], call'd himſelf Lord of the Univerſe, and that *Ulpianus*[2] writes, that as the People of *Rome* could give the Slaves of private Men their Liberty, ſo it was likewiſe in the Power of the Emperor to do the ſame; and it being alſo found in the Code[3], that *Juſtinian* ſaid, every thing belong'd to the Prince; theſe Civilians believ'd that the ſame might be ſaid of *Frederick*, ſo it was an eaſy Matter to perſuade him, that he was Lord of the whole World, and conſequently of the Right of private Perſons. In theſe Times many Civilians had been brought up at *Irnerius*'s School; ſuch as *Placentino* in *Montepeſſulo*, who was the firſt that taught the *Roman* Juriſprudence in *France*. *Bagarotto*, and *Giovanni Baſiano*, flouriſh'd in *Bologna*, and *Antonio Lyo* in *Padua*; but there were four Civilians in *Bologna*, who diſtinguiſh'd themſelves above all the reſt, and for their Learning made themſelves ſo famous, that the Emperor *Frederick* made them of his Council, and took their Advice in his moſt weighty Deliberations, and, according to *Radevicus*[4], made them his Aſſeſſors, as the antient *Roman* Emperors did by our Civilians.

THESE were *Bulgaro*, a Native of *Piſa*, who at firſt taught Law in *Bologna*, and by the Emperor *Frederick* was made Prefect of that City: *Ugolino*, who likewiſe flouriſh'd in *Bologna*, and was Author of the Tenth *Collation*, and Collector of the Books of Fiefs, and the Conſtitutions of *Conrade*, *Lothaire* and *Frederick*, which he annex'd to the Ninth Collation of the Authentick, as ſhall be told by and by. *Martino*, likewiſe famous at this Time, who wrote ſome Gloſſes on the Pandects, which were afterwards call'd into Queſtion, and rejected; and *Giacomo*, who was alſo of *Frederick*'s Council. There were likewiſe at this Time other two in *Milan*, to wit, *Oberto de Orto*, Great Advocate in the Court of *Milan*, and *Gerardo Negro*, or, as ſome call him, *Cagapiſto*; theſe two compil'd the Feudal Cuſtoms, which, with the other Laws of the Emperors concerning Fiefs, they put in writing, as ſhall be told.

THE Emperor being come to *Roncaglia*, *Bulgaro* and *Martino* were appointed to diſpute this Caſe: *Bulgaro* condemn'd the Flatterers; but *Martino*, whether out of Fear or Love, ſided with *Frederick*, and ſaid that the Emperor was not only Lord of all the World, but of every thing belonging to private Perſons; and the Emperor being of the ſame Opinion, the Diſpute was determin'd in *Martino*'s Favour[5]. Whence it came to paſs that the Civilians of later Times maintain'd *Martino*'s Opinion, and *Bartolo* did not ſtick to ſay, that whoever believ'd otherwiſe was a Heretick.

THIS Diſpute might eaſily have been decided according to *Seneca*, by diſtinguiſhing betwixt private Right and publick and ſovereign Empire: This poſitive Deciſion in *Frederick*'s Favour, was the Occaſion of moſt pernicious Conſequences both to him and all *Lombardy*; for founding on this Maxim, he impos'd very ſevere Laws and Conditions, both on the Nobility and Cities of *Lombardy* in this Diet. He prohibited all Aſſemblies, and City Corporations, and eſpecially the Power of electing Magiſtrates, and, contrary to former Cuſtom, put Officers of his own making to govern the Cities: he impos'd ſevere Penalties on the Cities, and thoſe who ſhould contravene theſe Laws; and gave them Peace on very rigorous and ſevere Conditions, as may be ſeen in his Conſtitution which he made in *Roncaglia*, inſerted in the fifth Book of Fiefs[6].

BUT he did not long enjoy the Fruits of this Peace, for he was no ſooner return'd to *Germany*, than *Lombardy* revolted, ſo that he was forc'd to come back to *Italy*, and beſiege *Milan*, which, after a long Siege, and a gallant Defence, was at laſt taken and utterly ruin'd, and reduc'd to a Village, and all *Lombardy* being ſubdued, underwent a terrible Slavery.

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[1] L. Deprecatio, D. ad L. R. dejactu.

[2] Ulp. L. Barbarius, D. de Off. Prætor.

[3] L. Bene à Zenone, C. de Quadrien. præſcript. omnia Principis eſſe.

[4] Radevicus L. 2. de geſt. Frid. c. 5. Cujac. lib. 1. de Feud. tit. 12. Alteſerra lib. 3. cap. 14.

[5] Gloſſ. in. L. bene a Zenone, & in præfat. dig.

[6] Conſtit. hac ædictali de pace tenenda, L. 5. Feud.

IT was at this Time, that, beſides his having more ſtrictly than *Lothaire*, forbid the Alienation of Fiefs by his Conſtitution [1] which we read in the Feodal Books, he reſolv'd to reſtore the *Regalia* and *Fiſcalia*, which had been long forgot, and in Diſuſe in *Italy*; for which end he oblig'd the Biſhops, Nobles and Cities of *Italy* to ſet them on Foot again, and reſtore them to him [2].

IT was decreed, that all contain'd in the *Roman* Diviſion *in bona Communia, Publica, Univerſitatis, & Nullius* ſhould belong to the Prince, and nothing remain to others, but what they had an excluſive Right in. Therefore Princes claim the Property of the Sea, navigable Rivers, Streets, Fields, Walls and Ditches of Cities, and generally every thing that comes not under Commerce, and even that, when it has no Owner. And though *Frederick* did not reckon up all theſe in his Conſtitution *de Regalibus*, nevertheleſs he mentions the moſt remarkable and conſiderable *Regalia*, ſuch as the publick Buildings and Armories, which he calls *Armannie*, High-ways, navigable Rivers, and thoſe by which they are made Navigable, and all the Profits ariſing from the Navigation of them. Harbours, Toll, Money, Fines, waif Goods, the *Augariæ* and *Parangariæ*, the Uſe of Ships and Carts, extraordinary Collections, Silver Mines, Salt-pits, Mines out of which Pitch is dug, for according to *Pliny* [3], Pitch is Foſſile, Fiſhings, Game, Treaſure, the making of Magiſtrates, for adminiſtring Juſtice and other Fiſcalia, which he does not mention in the Conſtitution, wherein he names only the Principal, which for a long Time had been in Diſuſe in *Italy*.

WHENCE it came to paſs, that what *Frederick* did in *Italy*, was imitated by other Princes in their Dominions, ſuch as our *William*, who not content with what *Frederick* had eſtabliſh'd concerning Treaſurer, conformable to *Adrian*'s Conſtitution; which was, that if a Treaſure was found by Accident, either in a publick or religious Place, the Half ſhould belong to the Finder: He made a more ſevere Law, that in whatever Place, and in what Manner ſoever found, all ſhould belong to the King; of which Conſtitution, when we come to treat of the other Laws of this Prince, we ſhall take notice.

FREDERICK having reduc'd *Lombardy* into ſuch Slavery, and being lifted up with high, whimſical Notions, was diſguſted at the Pope for having made Peace with *William*, which was like to turn to a Quarrel in good Earneſt; for the Biſhop of *Leudun* as he was returning from *Rome* to *Germany*, was, by the Emperor's Order, made Priſoner: *Adrian*, who valued himſelf as much upon being Pope, as *Frederick* did upon being Emperor, wrote ſome Letters to him by Cardinal *Rolando* Chancellor of the Holy Church, and *Bernardo* Cardinal of St. *Clement*, in which he admoniſh'd him to ſet the Biſhop at liberty, and among other things, he put him in mind of the Favours he ow'd him, and beſides that he held the Empire as *Beneficium Eccleſiæ Romanæ*. One may eaſily imagine with what Spite and Indignation *Frederick* receiv'd ſuch a Wipe: He was in ſuch Rage and Fury, that he not only refuſed to comply with the Pope's Demand; but inveigh'd ſo bitterly againſt him, that he was forc'd to ſend other two Cardinals to pacify him, and to retract what he had written, by ſaying, that by theſe Words he did not mean, that the Empire was a Fief of the Church, but that the Word *Beneficium* imply'd only *pro bono, & facto junctum* [4]. Theſe Cardinals had much ado to pacify him; and though ſhortly after, a new Quarrel happen'd betwixt them, becauſe *Frederick* frequently hinder'd the Pope's Miniſters from gathering in the Eccleſiaſtical Revenues, and beſides, he would have a certain *Guido* to be elected Biſhop of *Ravenna*; nevertheleſs after various Treaties, they were once more made Friends.

BUT *Adrian* died ſoon after in *Alagna*, in the Month of *September* 1159 [5]. His Death occaſion'd new Troubles and Commotions in *Rome*, by a Schiſm in electing a Succeſſor; for the greateſt part of the Cardinals elected Cardinal *Rolando* Chancellor of the Holy Church, who took the Name of Pope *Alexander* III. and at the ſame time *Giovanni Piſano* Cardinal of St. *Martin*, and *Guido da Siena* Cardinal of St. *Caliſtus*, with the Aſſiſtance of *Otho* Count of *Placentia*, and Count *Guido*, *Frederick*'s Ambaſſadors, who were then in *Rome*, elected *Octavianus* Cardinal of St. *Cecilia* Anti-pope, and gave him the Name of *Victor* IV. and they had the Boldneſs

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[1] Conſt. Frid. de Feud. non alien. lib. 5.

[2] Guntheruſ. Abbas Veſpergenſiſ. Radevicus 3. c. 41. & 4. cap. 5.

[3] Plin. hiſt. lib. 16. cap. 12.

[4] V. Sigon. de Regn. Ital. lib. 12. anno 1158.

[5] Gul. Tit. de bello Sacr. lib. 18. Radavic. de vita Frid. Imp.

neſs to beſiege *Alexander*, with the College of Cardinals in St. *Peter's* Tower; for what with Money, and what with the Emperor's Favour, the Anti-pope had made many Friends in *Rome*: Whereupon *Odone Frangipane* and other noble *Romans*, inrag'd at ſuch an Indignity, reliev'd the Pope and Cardinals, and convey'd them out of *Rome* to a Place of Safety, and after the uſual Manner *Alexander* was ſolemnly crown'd; and *Octavianus* remain'd in *Rome*, whither *Alexander* in the ſecond Year of his Pontificate return'd; but ſeeing he could not ſtay there in Safety, becauſe of the Anti-pope's Power, having left *Gialio* Biſhop of *Præneſte* his Legate, he went to *Terracina*, in order to take Shipping for *France*.

CHAP. II.

The Barons of the Kingdom of Puglia *conſpire againſt* Majone. Matteo Bonello *kills him; and a new Conſpiracy is hatch'd, in order to dethrone King* William, *and to ſet* Roger *his Son, a Child of Nine Years of Age, upon the Throne.*

IN the mean time King *William*, in oppoſition to the Emperor *Frederick* his Enemy, no ſooner heard of *Alexander's* Election, than he ſent his Ambaſſadors to pay him Homage, and acknowledge him for the true and lawful Pope; and underſtanding afterwards that the Pope had a mind to go to *Terracina*, in order to imbark for *France*, he ſent four Gallies well arm'd to that City, to be at the Pope's Command, in which he and the Cardinals imbark'd, and were advanc'd but a little way from the Harbour, when a violent Storm overtook them. This Alliance and Friendſhip betwixt *William* and *Alexander* was of ſuch Advantage to the King, that it ſav'd him from a miſchievous Plot, which *Majone* was hatching againſt him, for *Majone*, ſtill intent how to effectuate his ambitious Deſigns, by the means of wicked Men, endeavour'd to corrupt *Alexander* with a great Sum of Money, that, after the Example of *Zachary*, he might remove *William* from the Kingdom as uſeleſs and wicked, hated by the People, and unfit for ſuch a great Charge, and inveſt him with it, juſt ſo as *Chilperic* was ſerv'd in *France*, who was dethron'd, and *Pepin* put in his Room[1]. But Pope *Alexander* perceiving the Villany of *Majone*, and his Thirſt after Government, abhorr'd his Impudence: This horrid Enterprize, being nois'd abroad, and divulg'd in *Sicily* and *Puglia*, haſten'd his Ruin; for it being publickly ſaid, that the Admiral had either put the King to death in his Palace, or had impriſon'd him, or confin'd him to ſome Iſland, in order to uſurp the Kingdom, many Cities of *Puglia* furiouſly inrag'd at ſuch a Report, began to mutiny[2]. The firſt was *Melphis*, to which ſoon after ſome other Cities join'd, and firmly reſolv'd neither to obey the Letters, nor any Orders ſent by *Majone*, nor to admit within their Bounds any Officers ſent by him. Many Counts and Barons, who were jealous of the Tyrant's Power, made the ſame Reſolutions, and ingag'd themſelves to uſe their utmoſt Efforts for putting the Admiral to death, and never to lay down their Arms till he was either dead or baniſh'd. For which end a great Band of arm'd Men over-run all *Puglia* and *Terra di Lavoro*, to oblige the other

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[1] Hugo Falcand. Ut amoto Rege Siciliæ, Admiratus in ejus loco ſuccederet. Baron. ad anno 1160.

[2] Hugo Falcand.

Cities to join them, which they actually did. The Heads of this Aſſociation were *Gionata di Valvano* Count of *Conſa*, *Boemondo* Count of *Manopello*, *Filippo* Count of *Sangro*, *Ruggieri da Sanſeverino* Count of *Tricarico*, *Riccardo dell' Aquila* Count of *Fondi*, *Ruggieri* Count of *Cerra*, and Count *Gilberto*, the Queen's Couſin, to whom the King had lately given the County of *Gravina* [1]. Beſides theſe *Mario Borrello*, a Man of admirable Eloquence, got the City of *Salerno*, wherein he reſided, and had many Followers, to join them, and the City of *Naples* likewiſe did the ſame. Count *Andrea di Rupe Canina*, who liv'd in *Campagna di Roma*, hearing theſe Reports, enter'd into *Campagna*, took *Aquino*, *Aliſe*, and *S. Germano*, Cities ſituated on the Skirts of *Monte Caſſino*, and having march'd up the Hill, boldly attack'd the Monaſtery, but was repuls'd by thoſe within [2].

IN the mean Time the King being appriz'd of this Aſſociation of the Barons and Cities of the Kingdom of *Puglia*, was grievouſly offended, for he had ſuch a tender Love for, and Confidence in *Majone*, that he could never be perſuaded of his Villany, and treaſonable Deſign to rob him both of his Life and Kingdom; therefore by particular Meſſengers and Letters he expreſly commanded the aſſociated Barons and Cities to give over their Undertaking, becauſe he was convinc'd of the Admiral's Fidelity, and that he aim'd at nothing but his Service; but theſe Meſſengers and Letters were of no Effect, for believing them to be of the Admiral's dictating, they plainly declar'd to the King, that they would by no means ſuffer themſelves to be govern'd and commanded by *Majone*. No leſs was the Admiral hated by the *Sicilians*, who being neareſt the Danger, durſt not diſcover themſelves as yet, tho' they lik'd the Commotion of the Barons of *Puglia*.

NOW the Admiral, contrary to his Expectation, ſeeing the Power of the Conſpirators daily increaſing, began by all Means poſſible to put a Stop to it; he got the King to write to the Cities of *Amalphis* and *Sorrento*, which continued as yet in their Allegiance to him; he did the ſame to *Taranto*, *Otranto*, *Brindiſi*, and *Barletta*, admoniſhing them not to give ear to ſuch Reports, nor to believe the Stories of theſe treacherous Counts, nor to embark themſelves in company with his Rebels. But theſe Letters were as little minded, becauſe they look'd upon them as deſign'd for the Service of *Majone* the Traytor, and not for the King's. *Majone* likewiſe wrote to his Brother *Stephen*, who was Preſident of *Puglia*, boldly to oppoſe the Deſigns of Count *Robert*, and by large Promiſes to gain a Party. Beſides he ſent the Biſhop of *Mazzara* Ambaſſador to *Melphis* in *Puglia*, in the Name of the King to reclaim that People; but the Biſhop acted quite contrary, for he encourag'd them to perſiſt in their Undertaking againſt the Tyrant, by telling them more of his Villany than they knew. Upon which *Calabria*, following the Example of the neighbouring *Puglia*, likewiſe began to riſe in Arms, which ſtruck greater Terror into *Majone*; whereupon he bethought himſelf of ſending a Man of ſuch Authority as might be able to quell all theſe Commotions, and after mature Deliberation, he judg'd *Matteo Bonello* to be fitteſt for ſuch a Buſineſs. *Bonello* was a Man of noble Blood, and extremely rich; but what he moſt excell'd in, was the Beauty of his Countenance, his Strength of Body, and great Courage; therefore he was not only famous and remarkable in *Sicily*, but likewiſe in *Calabria*, where he had moſt noble Kindred; and, on account of his ſo great Endowments, was much belov'd by the Admiral, who deſign'd him for a Husband for one of his Daughters, yet an Infant [3]. But his inconſtant, raſh, and changeable Temper, and his Self-conceitedneſs, eclips'd all theſe noble Talents; and tho' *Bonello* was ſo much belov'd by the Admiral, yet he hated the Admiral mortally, becauſe, that he might get him to marry his Daughter, he had put a Stop to his Marriage which he intended (diſdaining the mean Birth of the Admiral) with *Clementia* Counteſs of *Catanzara*, baſtard Daughter, as is ſaid, of King *Roger*, and Widow of *Ugone di Molino* Count of *Moliſe*, whom *Bonello* lov'd exceedingly, on account of her Beauty, and ſhe was no leſs enamour'd with him; ſo that *Majone* ſtanding in the way of their mutual Affection, was mortally hated by them both.

IN the mean Time *Bonello* having receiv'd the neceſſary Orders for his Departure, and taken Leave of the King, paſs'd the Straits of *Meſſina*, and went to *Calabria*, where on a ſet Day, in a Meeting of the Barons of the Province, he endeavour'd by many Arguments (diſſembling the Sentiments of his Heart) to perſuade them, that the Admiral was innocent of all the Crimes laid to his Charge. But *Ruggerio di Martorano* of the Family of *Sanſeverino*, a Man of great Knowledge, and much eſteem'd, roſe up, and in the Name of all the reſt anſwer'd him with ſo much Force and Energy, that he not only brought him over to their Party, but likewiſe imbolden'd him, by telling him that he was the fitteſt Perſon to recover all their Liberties, by putting the Tyrant to Death, the Reſult of which would be, that they would all concur to get his Marriage with the Counteſs of *Catanzaro* accompliſh'd; whereupon he enter'd into their Meaſures, and firmly promis'd, that in a ſhort Time he would diſpatch the Admiral out of the Way.

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[1] Capecelatr. lib. 2.

[2] Hugo Falcand.

[3] Idem.

BUT a very weighty Incident haſten'd *Majone*'s Ruin; for he having prepar'd every Thing in order to murder the King, and the Day appointed for ſuch a fatal Tragedy drawing near, he reſolv'd firſt to conſult the Archbiſhop about proper Methods to prevent an Inſurrection of the People when the Fact ſhould come to be divulg'd, and likewiſe how they were to govern the Kingdom afterwards[1]; whereupon great Diſputes aroſe betwixt them, for the Admiral pretended that the Guardianſhip of the King's young Children, and the keeping of the Treaſures, and all the Royal Palace ought to be intruſted to him; on the contrary, the Archbiſhop claim'd all theſe to himſelf, becauſe, ſaid he, by that Means the People would not mutiny, as they certainly would do, if they ſhould ſee the Admiral take the Charge of the Royal Family, for they would be apt to ſuſpect that the Children would be murder'd, ſeeing every Body was perſuaded that he aſpir'd to the Kingdom; which could not be ſuſpected in Prelates, or other Eccleſiaſtical Perſons, who aim not at any ſuch Thing, therefore of Neceſſity the Children and Treaſure muſt be put into their Hands; but the Admiral flatly oppos'd it, as a Thing quite contrary to his Intentions, and ſaid, that he did not deſerve ſuch Treatment at his Hands, ſeeing he had rais'd him to ſuch Grandeur: In fine, after ſome bitter Words, they parted declar'd Enemies. Whereupon the Archbiſhop was ſoon after in Diſgrace at Court, for the Admiral perſuaded the credulous and covetous King to force the Archbiſhop to pay him 700 Ounces of Gold, which he ow'd him; the Archbiſhop perceiving that all theſe bad Offices proceeded from *Majone*, began to hate him in earneſt, and of dear Friends they became bitter Enemies, and ſought to do one another all the Miſchief in their Power. The Admiral reſolv'd to poiſon the Archbiſhop, who, aware of his Deſign, was on his Guard, and at the ſame Time exhorted the Great Men, Soldiers, and common People to riſe and put *Majone* to Death. In the mean Time *Matteo Bonello* return'd to *Palermo*, and having made the Admiral, who was now begun to be jealous of him, eaſy, by giving him to underſtand that he had ſoon quieted the Commotions of *Calabria*, he went privately to wait upon the Archbiſhop, who was lying ſick a Bed, and gave him an Account of what had paſs'd till that Time, the Archbiſhop advis'd him to put his Deſign immediately in Execution, becauſe Matters of ſuch Importance being delay'd, were in Danger of being diſcover'd; whereupon *Bonello*, fully reſolv'd, wanted nothing but a fit Opportunity to ſtrike the Blow; and Fortune conſpiring to haſten the Admiral's Death, it was not long before a convenient Occaſion offer'd.

MAJONE had caus'd Poiſon to be given to the Archbiſhop by one of his Domeſticks, whom he had corrupted with Gifts and great Promiſes, which had occaſion'd his preſent Sickneſs; but becauſe the Poiſon had been weak, he was afraid that by proper Remedies he might recover his Health; and impatient that he ſhould be ſo long a dying, he caus'd another much ſtronger Potion, and of a quicker Operation to be prepar'd, of which he took a Vial, and went to viſit the Archbiſhop, and having plac'd himſelf near the Bed, began to aſk him how he did; and then told him, that if he would follow the Advice of his Friends, he ſhould ſoon recover his Health, for he had a Medicine, which out of Love to him he had caus'd to be compos'd in his own Sight, and had brought it along with him; but the Archbiſhop perceiving the Trick, told him, that his Diſeaſe had brought him ſo low, and his Stomach was ſo weak, that he not only abhorr'd all Potions, but with Difficulty could take any Food; yet notwithſtanding this Anſwer, the Admiral, ſeeming not to underſtand that the Archbiſhop had diſcover'd the Treachery, impudently preſs'd him to take the Potion; but he reply'd, that he would refer the taking of it to another

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[1] Hugo Falcand.

Day; then they began to talk together with much Confidence and Affection, and ſought to betray and deſtroy one another with brazen-fac'd Diſſimulation, and as Fortune would have it, they both obtain'd their Ends; for *Majone* by the Archbiſhop's means was murder'd that ſame Night, as we ſhall preſently relate, and the Archbiſhop died ſoon after of the Poiſon formerly given him by the Admiral's means, tho' he had the Satisfaction to ſee his Enemy die before him. While the Archbiſhop was diſcourſing with the Admiral, he ſent the Biſhop of *Meſſina*, who was ſitting by him, to tell *Matteo Bonello*, that this Night would be a fit Time for putting his Deſign in Execution; whereupon *Bonello*, already reſolv'd upon the Crime, aſſembled ſome arm'd Men, and having encourag'd them, he poſted them in different Places, that *Majone* might not eſcape any where, and he himſelf, with a good Number of them, lay in wait for him at the Gate of St. *Agatha*, thro' which he would probably paſs in returning to the Royal Palace; and having acquainted the Archbiſhop that all was in Order, and Night come on, he expected the Admiral, who at laſt took Leave of the Archbiſhop, and departed. But immediately ſome of his Attendants perceiving the Snare that *Bonello* had laid for him, turn'd back and acquainted *Majone* with it, who terrified with the imminent Danger he was in, order'd them to tell *Bonello* to come and ſpeak with him; but *Bonello*, finding that he was already diſcover'd, had no mind to dally, drew his Sword, attack'd him briskly, and ſaid, *I am come here to kill thee, and by thy Death to put an end to thy Wickedneſs, and to diſpatch out of the World an Adulterer and Defiler of the King's Bed*; the Admiral put by the firſt Thruſt that *Bonello* made, but was run through and diſpatch'd with the Second [1], his numerous Attendants leaving him without offering the leaſt Reſiſtance. Thus ended the ambitious Deſigns of *Majone da Bari*, High Admiral of *Sicily*, who, being of a very mean Extract, was by Fortune rais'd to great Honour; and, if I may be allow'd to compare ſmall Things with great, he very much reſembled *Sejanus*. Both of them being born of mean Parentage, by means of their Patrons liv'd long in great Splendor; both of them capable of the greateſt Villainy, were Enemies to the Royal Family, and the Nobility of their Maſter's Dominions; both of them Adulterers and Defilers of the Royal Bed, with the Conſent of their Maſters Wives; the one got the Son of his Emperor to be murder'd, and the other (tho' he could not bring it about) deſign'd to murder his King; both of them endeavour'd to uſurp their Maſters Dominions, which themſelves govern'd, and both of them came to an unlucky End, tho' the manner of their Deaths was different; for *Tiberius*, by his own Penetration having found out the Treaſon, caus'd *Sejanus* to be put to Death by the Hands of the common Hangman; and *Majone* through the Stupidity of *William*, who minded nothing, was kill'd by Conſpirators, who could no longer bear his Villany.

IN the mean Time *Bonello*, not knowing what the King would do, nor thinking himſelf ſafe in *Palermo*, retir'd to *Cacabo* his own Caſtle, and there fortified himſelf and Followers; the People of *Palermo* hearing of the Admiral's Death, diſcover'd the extreme Hatred they bore him, and began to tear his dead Carcaſs to pieces, ſome ſtabbing it, others, with a thouſand ignominious Reproaches, deriding it. It being now late in the Night, King *William* was ſurpriz'd at the unuſual Noiſe he heard, but *Odone* his Maſter of the Horſe having told him all that had paſs'd, he was grievouſly offended, and ſaid, that if the Admiral had fail'd in his Duty to him, it was his Buſineſs, and no Body's elſe, to puniſh him; and the Queen, out of the Love ſhe bore the Adulterer, being more offended than the King, was terribly inrag'd againſt *Bonello* and the other Conſpirators. But the King, afraid of greater Diſturbance among the *Palermitans* on this Occaſion, and leſt they ſhould inſult the Relations of the Deceas'd, and plunder their Houſes, and thoſe of the Admiral, order'd a ſtrong Body of arm'd Men to guard and walk Rounds in the City. The next Day the King took care to appoint *Errico Ariſtippo* Archdeacon of *Catania*, and one of his Favourites [2], a Man of peaceable and mild Diſpoſition, and very learn'd in the *Latin* and *Greek* Languages, to exerciſe the Office of High Admiral, till he ſhould diſpoſe of it otherwiſe, by whoſe Advice the Affairs of the Kingdom began to be manag'd; and the new Admiral and Count *Silveſtro* having diſcover'd to the King the Conſpiracy which *Majone* had hatch'd againſt him, were at great Pains to allay the mortal Hatred he had conceiv'd againſt *Bonello*, but he could never be perſuaded

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[1] Anno 1160. Camil. Pellegr. in Caſtigat. ad Anon. Caſſin.

[2] Hugo Falcand.

ſuaded to pardon him, till among *Majone*'s Treaſure, the Scepter, the Crown, and the other Enſigns of Royalty were found; which being evident Proofs of his Villany, the King was pacified, and immediately caus'd the two *Stephens*, one of them the Brother, and the other the Son of *Majone*, with *Matteo* the Notary, his intimate Friend, to be put into Priſon, and likewiſe order'd all the Deceaſed's Treaſure, that could be found, to be carried to the Royal Palace, and caus'd *Andrea* the Eunuch, and many others of the Admiral's Domeſticks to be put to the Torture, and threaten'd *Stephen* the Son with the ſame, if he did not diſcover where the reſt lay conceal'd; by their Information a great Sum of Money was found in the Cuſtody of the Biſhop of *Tropea*, which being demanded by the King, was deliver'd. Afterwards *William* ſent Meſſengers to *Cacabo* to tell *Bonello*, that now, being appriz'd of the Admiral's Villany, he was oblig'd to him for having put him to Death, and therefore he might come very ſafely to him. *Bonello* upon this Meſſage, truſting to the Love of the Barons and People, and the Aſſiſtance of his Followers, came immediately to *Palermo*, where he was met by a vaſt Multitude both of Men and Women, who with great Demonſtrations of Joy welcom'd him, and conducted him to the Royal Palace, where he was kindly receiv'd by the King, and reſtor'd to his Favour. And having taken Leave of the King, he was honourably accompanied by the greateſt Men of the Court, and the ſame Crowd of People to his own Houſe; and he became ſo famous and renown'd, not only in *Palermo*, but over all *Sicily*, that he gain'd the Love and Eſteem of every Body.

BUT ſee the Inſtability of worldly Things, this his ſo great Happineſs, ſoon became his Ruin; for the Eunuchs of the Royal Palace, who, together with the Queen, had been Partners in *Majone*'s Conſpiracy againſt the King, much diſpleas'd at *Bonello*'s Proſperity, and afraid leſt ſome Time or other he ſhould call them to account, began by ſeveral Means to put him in Diſgrace with the King, and make his Power to be ſuſpected by him, by telling him that *Bonello* had a mind to be Maſter of *Sicily*, and for that end was currying Favour with the Barons and People; and for carrying on the ſame Deſign, had unjuſtly murder'd the Admiral, who was the Perſon that had the King's Safety and Intereſt moſt at Heart, all being manifeſt Untruths that were laid to his Charge; and that the Crown and other Royal Enſigns, found amongſt his Treaſure, had been provided by the Admiral in order to be preſented to his Majeſty the enſuing Month of *January*, as a new Year's Gift [1]. The King, by being addicted to the Pleaſures of a Court, and an unactive Life, was become ſo indolent and ſtupid, that, excepting the Pains he took to gather Wealth, which made him lay heavy Taxes upon his Subjects, and got him the Name of *Wicked*, he was quite another Man than he had been formerly; and was now ſo fooliſh and credulous, that it was an eaſy matter to make him believe all that was laid to *Bonello*'s Charge, ſo that he began to hate him, and to believe that he had murder'd *Majone*, in order the more eaſily to take away his Life. And tho' it was eaſy for the King to cruſh *Bonello*, yet ſeeing the *Palermitans*, who were ſtill in a State of Commotion, and not quite pacified, had ſuch a Regard for him, he thought fit not to meddle with him. However he began to require a great Sum of Money of him, which for a long Time had been owing to the Crown, and never demanded of him, as being *Majone*'s Son-in-Law. Therefore *Bonello* ſeeing himſelf all of a ſudden ſu'd for an old Debt, that had been quite forgot, and that he was rarely call'd to Court, and had not the ſame Reception there as formerly, began to be ſurpriz'd, and to revolve in his Mind what could be the Occaſion of ſo ſudden a Change; and what increas'd his Jealouſy and Fear, was to ſee *Adinolfo* the Chamberlain, formerly a Creature of *Majone*'s, much in Favour with the King, and that both he and his other Enemies impudently ſhew'd him the Hatred they bore him. And about this Time the Archbiſhop dying of the Poiſon given him by the Admiral, *Bonello* was both depriv'd of his Advice and Aſſiſtance, and more avowedly perſecuted by his Rivals; all which he look'd upon to be evident Marks that the King had alter'd his Mind with reſpect to him, and that therefore his Enemies had the Aſſurance to lie in wait for his Life. Wherefore he reſolv'd to acquaint *Matteo Santa Lucia*, his Couſin, and many other *Sicilian* Barons, who being invited by his Letters had come to *Palermo*, with the whole Matter; he told them that the King, inſtead of rewarding him for ſaving his Life, by killing the Admiral, was now, at the Inſtigation of the Queen and the Eunuchs, preſſing him to pay an old Debt, and perſecuting him to that Degree, that he was in Danger of his Life; therefore he begg'd of them not to deſert him in ſuch a dangerous State, but to aſſociate themſelves with him for defending him againſt his Enemies. This Speech of *Bonello* wrought more upon the Barons than he could have expected; for finding them all at his Diſpoſal, after various Conſultations, they concluded to ſtrike at the Head of all theſe Miſchiefs, either by putting the King to Death, or in Priſon, and making his Son *Roger*, a Boy of nine Years of Age, King, who, on account of the Virtues that began to appear in ſo tender an Age, like his Grandfather, could not fail to prove an excellent Prince; but not thinking it fit to take ſo weighty an Affair upon themſelves alone, they brought over to their Party, *Simon* the baſtard Son of King *Roger*, who mortally hated his Brother, for having taken from him the Principality of *Taranto*, which his Father had left him, and in lieu thereof given him the County of *Policaſtro*. They likewiſe brought over *Tancred* the Son of *Roger* Duke of *Puglia*, who, tho' a little Valetudinary, yet was a Man of great Judgment and Courage, and kept in a manner Priſoner in the Royal Palace by *William*; and they alſo ingag'd to be of their Party, *Roger* Count of *Avellino*, the King's Couſin by his Grandmother *Adelaſia*; and their Deſign of making the Infant *Roger* King, was to let the *Sicilians* ſee that they had no mind to deprive *William*'s Children of the Kingdom, but himſelf who was a Tyrant. Having brib'd *Gavaretto*, who kept the Keys of the Priſons, and who was often intruſted by *Malgerio* with the Charge of the Caſtle, they agreed, that on a fix'd Day all the Priſoners ſhould be ſet at Liberty, provided with Arms, and acquainted with the Signal that was agreed upon, when every Thing was ready for putting their Deſign in Execution. After this *Bonello* went to his Caſtle *Miſtretto*, not far from *Palermo*, to lay up Proviſions there, and in ſome other Places belonging to him, whither they might retire in caſe of any croſs Accident, and forbad his Aſſociates to do any Thing, but lie ſnug till his Return; and if any Thing of Moment ſhould happen, he deſir'd to be acquainted by Letters, and he would immediately return with a ſtrong Body of arm'd Men. Whilſt *Bonello* was thus employ'd in the Country, it happen'd that one of the Conſpirators diſcover'd the Matter to a Soldier his Friend, by thinking to ingage him in the Plot; the Soldier being let in to the whole Deſign, thank'd his Friend, and ſaid he would conſider of it till the next Day, when he would give him his Anſwer; immediately the Soldier went to another of his Friends, who happen'd to be one of the Conſpirators, to whom he told the Story with Indignation, and ſaid, to prevent ſuch a piece of Villany, which would be a laſting Infamy upon the *Sicilians*, he was reſolv'd to diſcover the whole to the King. This Friend of his, diſſembling the Matter, ſeem'd much offended at ſuch a Thing, but he went immediately to Count *Simon*, and the other Heads of the Conſpiracy, and told them what had happen'd through the Indiſcretion of one of their Friends, and that they had beſt conſider that Night what they were to do, becauſe the next Morning the King would be appriz'd of the whole Matter. Therefore terrified at their imminent Danger, and not having Time to acquaint *Bonello*, they reſolv'd to put their Deſign immediately in Execution; for which end they ſent Word to the Keeper of the Priſons, to ſet all the Priſoners at Liberty the next Day, becauſe they could delay no longer; the Keeper return'd them anſwer, that it ſhould be done againſt Three a Clock next Day, when the King would be in the Chamber of Audience, conferring with the Admiral Archdeacon of *Catania*, on the Affairs of State, where, without any Noiſe or Reſiſtance, they might either kill or impriſon him as they thought fit; this ſo diſtinct and faithful Anſwer of *Gavaretto*, put new Life into the Conſpirators, who had been much diſhearten'd, partly on account of *Bonello*'s Abſence, and of thoſe that had gone with him to *Miſtretto*, and partly becauſe they were forc'd to do in a hurry, what, after mature Deliberation, and in a proper Time, they had reſolv'd to execute.

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[1] H. Falc. ut eadem in Kal. Januarii ſtrenarum nomine, juxta conſuetudinem ei tranſmitteret.

THE next Day *Gavaretto* at the Hour appointed punctually perform'd his Part, for he ſet at Liberty *William* Count of *Principato*, with all the other Noblemen, whom he had before provided with Arms, and conducted them to the Place where he had poſted the other Conſpirators, and Count *Simon* their Head, who having been bred up in the Palace, knew all the Apartments of it, ſo that he went directly to that where the King was diſcourſing with the Admiral. But the King ſeeing Count *Simon* his Brother, and *Tancred* his Nephew advancing towards him, was much offended that they ſhould offer to come into his Preſence without his Licenſe, and wonder'd how his Guards came to let them paſs; but when he ſaw that they were follow'd by a great Body of arm'd Men, perceiving what they would be at, and ſtruck with the Fear of Death, he had a mind to make his Eſcape, but was quickly ſeiz'd, and while they were reproaching him with his Tyranny, he obſerving *William* Count of *Leſina*, and *Roberto Bovenſe*, bold and cruel Men, ready to fall upon him with their drawn Swords, begg'd thoſe that held him not to ſuffer him to be murder'd, for he would immediately renounce the Kingdom. Had it not been for *Riccardo Mandra*, who ſtept in betwixt them, and calm'd their Fury, they certainly would have put him to Death; his Life being thus ſav'd, he was ſhut up into cloſe Priſon, and having put a Guard upon the Queen and her Children in their own Apartment, they ſearch'd and plunder'd the Palace of all the precious Jewels and rich Furniture, not ſparing even the Honour of the Queen's Maids [1]. They kill'd all the Eunuchs that came in their Way, they went to the City, where they plunder'd the rich Merchandizes of the *Saracens*, that were either in their Shops, or the Cuſtom-Houſe. After all this was over, Count *Simon* with his Followers took *Roger* Duke of *Puglia*, *William*'s eldeſt Son, carried him out of the Palace, and to ſhew him to the People, mounted him on a white Horſe, and marching through the Streets of *Palermo*, with chearful Voices they proclaim'd him King, which, out of Reſpect to his Grandfather, was anſwer'd with loud Acclamations of the People; but his Coronation was delay'd till *Bonello*, who was hourly expected, ſhould arrive. *Walter* Archdeacon of *Ceffalu*, the Child's Preceptor, publickly inveighing againſt the Cruelty and other Miſdeeds of *William*, told the People, that they ought to ſwear to obey Prince *Simon*, who would govern the Kingdom till the young King ſhould be of Age; by *Walter*'s Means many ſwore ſuch an Oath, others refus'd to do it, tho' none had the Boldneſs to oppoſe the Conſpirators, becauſe ſome of the Biſhops, who were then in *Palermo*, and had great Authority in the Kingdom, openly approv'd of theſe Proceedings; and others by their Silence gave their Conſent to them: The Commonalty being told that the whole had been brought about by *Bonello*'s Means, were eaſy. But ſeeing he delay'd to come, *William* Count of *Principato*, and *Tancred* Count of *Lecce*, went to *Miſtretto* to bring him and the arm'd Men that were with him to *Palermo*, leſt the *Palermitans* ſhould change their Mind, and ſet the King at Liberty, as they afterwards did.

AFTER they had waited three Days, the King ſtill in Priſon, and had no Tidings of *Bonello*, *Romualdo* Archbiſhop of *Salerno*, *Roberto* Archbiſhop of *Meſſina*, *Riccardo* Elect of *Syracuſa*, and *Giuſtino* Biſhop of *Mazza*, began to encourage the *Salernitans* to ſet him at Liberty, ſaying, it was a very ugly and ſhameful Thing to ſuffer their Sovereign to be ſo ignominouſly uſed, and the Treaſure laid up by the good King, for the Defence of the Kingdom, to be thus robb'd and waſted [2]. Theſe Words, ſpoken at firſt in Preſence only of a few, were ſoon ſpread abroad amongſt the Commonalty; whereupon, as if they had been call'd from Heaven, or led on by a brave Captain, they took up Arms, and beſieg'd the Palace, requiring thoſe within at their Peril immediately to ſet the King at Liberty. The Conſpirators aſtoniſh'd and confounded at ſo ſudden a Change, began at firſt to make a gallant Defence, but finding it would be to no purpoſe for a handful of Men to pretend to ſtand out againſt an inrag'd Multitude, out of cruel Neceſſity they had recourſe to the King, whom they took out of Priſon, and capitulated with him for Liberty to go where they ſhould think fit; then they conducted him to a Balcony to be ſeen by the People. But the *Palermitans* ſeeing their King in that Condition, became more furious, and by all Means reſolv'd to break open the Gates, and be reveng'd of the Conſpirators, who would certainly have been put to Death, if the King had not beckon'd to them with his Hand, telling them that they had given ſufficient Proof of their Loyalty in ſetting him at Liberty, and that they might lay down their Arms, and allow thoſe who had made him Priſoner, to go freely where they pleas'd, becauſe he had conſented to it; upon which they all obey'd, and left the Paſſage out of the Caſtle free; the Conſpirators march'd out, left *Palermo*, and retir'd to *Cacabo*.

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[1] Hug. Falcand.

[2] Idem, Indignum eſſe, ſatiſque miſerabile, Regem a paucis Prædonibus turpiter captum, in carcere detineri, neque Populum id debere pati diutius.

CHAP. III.

King William *being ſet at Liberty, takes upon him again the Government of the Kingdom. The Death of* Roger *his eldeſt Son. New Commotions in* Palermo *and* Puglia, *which at laſt are quieted by the Death of* Bonello, *and of the other Conſpirators.*

THIS Adventure was the Cauſe, in a ſhort Time, of great Miſchiefs to *Sicily*, for not only a great many noble Barons loſt their Lives on that account, and a great Part of the Royal Treaſure was purloin'd, but Duke *Roger* likewiſe, who had hitherto given notable Indications that he would prove an excellent Prince, died; for during the Tumult of the People, having raſhly thruſt his Head out of a Window that fac'd thoſe who were beſieging the Palace, he was wounded with an Arrow, ſhot, as was then commonly reported, by *Dario* the King's Porter; however, the Wound would not have prov'd Mortal, had it not been, that the King, his Father, ſeeing him go merrily along before him after he had been ſet at Liberty, vex'd that he had been preferr'd to him, and not minding that his Son had had no Hand in it, ſtruck him unmercifully with his Foot on the Breaſt: *Roger* having told his Mother what had happen'd, died ſoon after.

THE King being ſenſible of the ſhameful Action, and his other Misfortunes, forgetful of his Dignity, ſtripp'd himſelf of the Royal Garments, lamented his wretched Condition, and almoſt diſtracted, did nothing but mourn bitterly, open'd his Doors to whoever was pleas'd to enter, and related to them his Misfortunes, which drew Tears even from his Enemies. But at laſt, by the Advice of his intimate Friends, and many Prelates who had come to comfort him, he order'd the People to be aſſembled in the Court of his Palace, whither he went down, and firſt gave them Thanks for their Loyalty; then exhorted them to continue in their Fidelity; and taking all that had befallen him as a juſt Puniſhment which God had deſervedly afflicted him with, ſaid, from that Time forth he was reſolv'd to lead a better Life; but his Grief and Tears hindering him to proceed, *Riccardo* Elect of *Syracuſa*, a Man of great Learning, and wonderful Eloquence, explain'd more fully to the People what the King had ſaid, who, in Teſtimony of his good Will towards them, granted them at that Time many Privileges and Immunities, which was a Thing ſo much the more agreeable, as it was given when they leaſt expected it.

WHEN *Bonello* receiv'd the News of the King's being ſet at liberty, he was inwardly vex'd and diſpleas'd, though he pretended the contrary, becauſe he had no hand in it, and the King alſo temporizing, us'd the like Diſſimulation, yet his being at *Cacabo* with ſo many Barons, could no longer be diſſembled; for Count *Simon*, *Tancred* Count of *Lecce*, *William* Count of *Leſſina*, *Alexander* Count of *Converſano*, *Ruggiero Sclavo*, and all the reſt that had impriſon'd the King, had join'd *Bonello* at *Cacabo*, and had a good Body of arm'd Men with them; therefore *William* ſent Meſſengers to *Bonello* to demand what that Meeting and thoſe Soldiers meant, and whether he was imbark'd in the Deſigns of the Conſpirators, and how he came to ſhelter them in his Caſtle? to which Meſſage he anſwer'd, That it would be the Height of Cruelty in him to expoſe ſo many great Men, who had had recourſe to him, to his Indignation, and that he could not forbear to tell him, that if he would narrowly examine his own Actions, he would be ſurpriz'd, how ſo many illuſtrious Men have been able to bear the Yoke of the many grievous Laws he had impos'd upon them, for deſtroying their Liberty; eſpecially that Law which obliges their Daughters to live in perpetual Virginity, they not being allow'd to marry till they are paſt child-bearing, that the Fiefs may devolve to him; ſo that if he had a mind that he, *Bonello*, and the Conſpirators ſhould live peaceably, he muſt abrogate thoſe Laws which had been lately made for depriving them of their Liberties, and reſtore thoſe commendable Uſages, introduc'd into the Kingdom by his Forefathers *Roger* Count of *Sicily*, and the famous *Robert Guiſcard*, otherwiſe they would endeavour to do themſelves Juſtice by Force of Arms [1]. This bold Anſwer much diſpleas'd the King; who immediately ſent them Word, that he would rather chuſe to loſe both his Life and Kingdom, than out of Fear of them, yield to what they requir'd; but if they would lay down their Arms, and be at his Devotion, they might ask any reaſonable thing, and he would grant it them. To which they would by no means conſent, but march'd ſtraight to *Palermo*, which put the Citizens into a terrible Fright, becauſe they would probably hinder Proviſions from coming to the City. On the other hand, the King having aſſembled a good Body of Troops, laugh'd at what they could do; yet for Peace ſake, he ſent anew to *Bonello*, *Roberto da S. Giovanni*, a Canon of *Palermo*, a Man of a bright Character, and untainted Loyalty, who wrought ſo effectually and dextrouſly, that he brought both Parties to an Agreement, by which the King pardon'd the Conſpirators, and gave them arm'd Gallies to tranſport themſelves out of the Kingdom, whereupon ſome of them with Count *Simon*, went to *Greece*, and others to *Jeruſalem*. The King reſtor'd *Bonello* to favour, and likewiſe pardon'd *Roger* Count of *Avellino*, as well becauſe he was very young, as at the Requeſt and Tears of his Grandmother *Adelaſia*, the King's firſt Couſin, who lov'd him dearly, he being the only remaining Heir of this County; and he kept *Riccardo Mandra*, who had ſav'd his Life, near his own Perſon, and created him High Conſtable of *Sicily* [2]. But the Misfortunes of *Sicily* did not end here; for *Ruggiero Sclavo*, Son of Count *Simon*, and *Tancred* Count of *Lecce*, with many others of their Aſſociates, who would not enter into the Agreement with the King, began to poſſeſs themſelves of many Towns, and to lay Waſte all the Country about *Syracuſa* and *Catania*. Which Proceedings ſtruck Terror in the Court, and the King being perſuaded that all was done by *Bonello*'s Directions, ſhut him up in Priſon; and though the *Palermitans* at firſt made an Uproar, and endeavour'd to ſet him at liberty; yet the fickle Mob, afraid of the King, ſoon loſt Courage, and minded him no more, for *Bonello* being put in a dark Priſon under Ground, had his Eyes put out, the Sinews above his Heels cut, and was condemn'd to perpetual Impriſonment, where, ſoon after, lamenting his Misfortune, he died of Grief. The King likewiſe cruſh'd the other Conſpirators, and in a ſhort time quieted *Palermo* and all *Sicily*.

WILLIAM now wanted to quell the Commotions of *Puglia*, rais'd by ſome Barons, who had been Partiſans of the Admiral *Majone*, and eſpecially *Roberto di Baſſavilla* Count of *Loritello*, who, joining with the Counts *Gilberto* and *Boemondo*, poſſeſs'd himſelf of many of the King's Towns in *Puglia* as far as *Oriolo*, a Caſtle ſituated on the Confines of *Puglia* and *Calabria*. From thence he went to *Terra di Lavoro*, where he endeavour'd to be Maſter of *Salerno*; but that not ſucceeding, he march'd to *Benevento*, which immediately ſurrender'd; from thence returning to *Puglia*, he took *Taranto*. *Calabria* was likewiſe in Confuſion, where all the moſt powerful Barons were Enemies to the King, and ſided with Count *Roberto*, among the reſt *Clementia* Counteſs of *Catanzaro*, in order to oppoſe the King, had reinforc'd *Taverna* with a ſtrong Garriſon. *William* finding all the Provinces of the Kingdom of *Puglia* in this Condition, in order to ſuppreſs theſe Commotions, reſolv'd to go thither at the Head of a good Army; and before he ſet out, under a ſham Pretence, he ſent for *Ruggiero Sanſeverino*, call'd *di Martonaro*, a Baron much reſpected in *Calabria*, whom he look'd upon to be his bitter Enemy, becauſe he had ſtuck cloſe by *Bonello* in the late Troubles, and for that Crime only, caus'd him to be impriſon'd, and his Eyes to be put out.

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[1] Hug. Falcand. Ut his, aliiſque pernicioſis legibus antiquatis, eas reſtituat conſuetudines, quas Avus ejus Rogerius Comes a Roberto Guiſcardo prius introductas, obſervaverit, & obſervari præceperit.

[2] Hug. Falcand. Panormi retinens, militibus ſuis Comeſtabulum præfecit.

IN the mean time he went to *Calabria*, and laid cloſe Siege to *Taverna*, and tho' the Counteſs *Clementia* with her Mother, and *Alferio* and *Tommaſo* her Uncles, together with the Inhabitants, defended themſelves gallantly, yet it was taken at laſt, and deſtroy'd, and the Counteſs with her Mother ſent Priſoners to *Palermo*, and *Tommaſo* and *Alferio* were immediately hang'd. Count *Roberto* hearing that *Taverna* was taken, went preſently to *Taranto*, and having encourag'd the Citizens to make a ſtout Defence, and put a new Garriſon in the Town, in order to ſhun *William*'s Army he went immediately into *Abbruzzi*. But *William* march'd ſtrait to *Taranto*, and ſoon made himſelf Maſter of that City, and caus'd ſome of Count *Roberto*'s Soldiers, whom he found there, to be hang'd. He recover'd all the Places of *Puglia* and *Campania*, as faſt as he had loſt them. Then hearing, that *Roberto di Baſſavilla* with a Part of his Forces, had march'd into *Abbruzzi*, he preſently ſent *Riccardo di Soria* with a good Body of Troops to make him Priſoner; but he being appriz'd of it, fled the Kingdom, and went to the Emperor *Frederick* in *Germany*. The other Barons ſeeing the King ſo ſucceſsful, likewiſe fled, ſome to *Romagna* and ſome to *Abbruzzi*. *Ruggieri dell' Aquila* Count of *Avellino*, alſo made his Eſcape, for tho' the King had formerly pardon'd him, yet he had incurr'd his Diſpleaſure in marrying, without his Conſent, the Siſter of *Guglielmo da Sanſeverino*, who, for the ſame Reaſon, likewiſe fled to ſhun the King's Reſentment. After all this was over, the King went to *Salerno*, which he grievouſly oppreſs'd, by extorting a great Sum of Money from the Inhabitants; from thence he embark'd and return'd to *Palermo*. Thus *William* by his Severity, having reſtor'd Peace in his Dominions, wearied with the paſt Troubles, reſolv'd for the future to lead a more peaceable and quiet Life; and having committed the Government of his Kingdom to *Matteo Notajo di Salerno*, and *Henry* Biſhop of *Syracuſa*, an *Engliſhman*, he gave himſelf up to the Eaſe and Pleaſures of a Court, and never minded the Affairs of his Kingdom any more.

CHAP. IV.

After the Death of Victor *the Anti-pope,* Alexander III. *is acknowledg'd for true Pope, and returns to* Rome; *and King* William, *after having appeas'd ſome Diſturbances that happen'd in his Palace, in the Year* 1160, *dies in* Palermo.

DURING theſe Commotions in the Kingdoms of *Sicily* and *Puglia*, others much more remarkable happen'd in *France* and *Italy*, betwixt Pope *Alexander* and the Emperor *Frederick*; for *Alexander*, after having continued ſome time in *Alagna*, went to *Genoa*, and from thence took Shipping and went to *Provence*: *Victor* the Anti-pope, who ſtay'd in *Segna*, hearing of *Alexander*'s Departure, went immediately into *Lombardy* to *Frederick*, to acquaint him that *Alexander* had gone to *France*: The Emperor no ſooner heard of it, than, being afraid leſt *Lewis* King of *France* ſhould receive him as true Pope, he ſent *Henry* his Ambaſſador to *France*, to deſire an Interview with *Lewis* near *Avignon*, for ſettling the Affairs and reforming the Abuſes of the Church. The Emperor ſeeing that the Anti-pope had not ſo ſtrong a Party as *Alexander*, reſolv'd on this Occaſion to endeavour to get them both depos'd, and to make a new Pope, leſt *Alexander*, his open Enemy, at laſt ſhould be acknowledg'd by all for true Pope; *Lewis*, a ſimple Man, and eaſily impos'd upon, was perſuaded, with a ſmall Retinue, to come to the appointed Place, and *Frederick*, with a great Army, arriv'd the Day following, which very much perplex'd both the Pope and the King, who were too late in finding out his deceitful Intention; and they would have been in a ſorry Condition, if *Henry* King of *England*, a gallant and moſt religious Prince, who had ſmelt *Frederick*'s Deſigns, had not landed in *France* with a ſtrong Army to relieve *Alexander* and *Lewis*. This ſeaſonable Arrival of an Army, equal to that of *Frederick*, baulk'd his Deſign, inſomuch that after various Conferences, the Emperor, angry at his Diſappointment, went to *Germany* with his Anti-pope; and *Alexander* having eſcap'd this Danger, was acknowledg'd and reſpected by the Kings of *England* and *France*, aad all their Kingdoms, for true Pope. And having accompanied theſe two Kings to *Paris*, he compos'd ſome Differences that were between them, and got them to enter into a League and Fellowſhip. *Alexander* this Year 1163, aſſembled a General Council in *Tours*, in which all the Biſhops of *England*, *Scotland*, *France*, *Spain* and *Ireland*, with ſome *German* Prelates, were preſent, wherein he re-eſtabliſh'd many Things, and reform'd ſome Abuſes with reſpect to Church Government. In the mean time the Anti-pope, for all that the Emperor could do, was not own'd by the *German* Biſhops; ſo that he return'd to *Italy*, and went to *Lucca*, where he died ſoon after. Nevertheleſs the Schiſm was not at an end, for by the means of *Rinaldo*, *Frederick*'s Chancellor, another Anti-pope quickly ſtarted up, which was *Guido da Crema*, who took the Name of *Paſcal* III. The *Romans* having heard of the Death of the Anti-pope, immediately ſent Ambaſſadors to *France* to invite *Alexander* back, begging him to return to *Rome*, where they would receive him with all the Affection and Reſpect imaginable; whereupon the Pope being ſenſible that his Preſence was neceſſary in *Rome* for the Good of the Church, took Shipping, and eſcaping the Snares which the *Piſans*, at the Emperor's Deſire, had laid for him with their Gallies in order to make him Priſoner, he arriv'd ſafely at *Meſſina*, with all his Cardinals and the Archbiſhop of *Mentz*: As ſoon as King *William*, who was then at *Palermo*, had Notice of his Arrival, he ſent his Ambaſſadors to wait upon him, and in his Name to offer him rich Preſents, and five arm'd Gallies, in which he embark'd, and firſt went to *Salerno*, and from thence in the ſame Gallies arriv'd in the *Tyber*, and landed at St. *Paul*'s Church, whither all the People and Clergy of *Rome* came to meet him, and in great State convey'd him to the *Lateran* Palace [1].

BUT while *William* thought himſelf ſecure from all Danger, by an unforeſeen Accident, he was like to loſe his Life; for ſome few Priſoners, in Deſpair of ever obtaining their Liberty, through the Malice of *Matteo Notajo*, who prov'd as cruel and tyrannical as *Majone*; and wearied with the Uneaſineſs and Horror of a Priſon, made an Attempt to make their Eſcape, or put an End to their Miſeries. For which end, having brib'd the Keepers, at a Time when the Palace was leaſt frequented, they got out, and though they were but a few, they boldly attack'd the Door-keepers of the Palace, and having enter'd, put all in Confuſion, and endeavour'd to ſeize the King, or his Children; but a great Number of Soldiers with *Odone*, the King's Maſter of the Horſe coming on the Noiſe, after a ſmall Reſiſtance, they were at laſt all put to Death one after another, and their Bodies expos'd to be eaten by the Dogs. This Adventure made the King very uneaſy, and conſidering that the Priſoners of the Caſtle had put him twice in Danger of his Life, he caus'd thoſe that remain'd to be taken out, and carried to the Caſtle on the Sea-ſhoar, and other Forts of the Iſland. And after this he gave himſelf up to ſuch Eaſe and Quiet, that he expreſly forbid his Domeſticks to acquaint him with any thing that could give him the leaſt Diſturbance; ſo that his Ignorance of the Affairs of his Kingdom encourag'd *Gaito Pietro*, and the other Eunuchs of the Palace grievouſly to oppreſs and abuſe the *Sicilians*, both in their Perſons and Goods, whence they took Occaſion to call the King, *William the Wicked*, which he was found ſo much the more to deſerve, by how much better his Succeſſor prov'd. The King altogether addicted to his Pleaſures, bethought himſelf that his Father

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[1] Romuald. Achiep. de Salern. in Cronic. apud Baron.

Roger had built two ſtately Palaces in *Palermo*, therefore he reſolv'd to build a Third, that ſhould far exceed thoſe of his Father, not only in Magnificence and Nobleneſs of Structure, but likewiſe in the Fineneſs of the Gardens, and the Beauty of the Fountains and Fiſh-ponds which ſurrounded it on all Hands. But this Work was ſcarcely finiſh'd, when Death, which puts an end to all human Deſigns, prevented his Enjoyment of it; for in the Year 1166, the beginning of *Lent*, he fell ſick of a Flux, which troubled him extremely, whereupon he devoutly took the Sacraments of the Church, reliev'd many Priſoners, and likewiſe remitted a new Tax which he laid upon the Cities and Lands of *Puglia*; and having call'd for all the great Men of his Court, and the Archbiſhops of *Salerno* and *Reggio*, he made his Will, by which he left *William* his eldeſt Son Heir of his Kingdom, and to *Henry* his other Son he confirm'd the Principality of *Capua*, with which he had formerly inveſted him [1]; and he left the Queen Regent of the Kingdom, till the Sons ſhould be of Age; and he enjoin'd her, that in all Affairs of State, ſhe ſhould take Advice of the Biſhop of *Syracuſa*, *Gaito Pietro* and *Matteo Notajo*; and the Diſeaſe increaſing, he call'd for *Romualdo Guarna* Archbiſhop of *Salerno*, his near Kinſman, who, according to thoſe Times, was very knowing in Phyſick, and though he preſcrib'd many Medicines proper for his Diſeaſe, yet he would take none of them but thoſe that pleas'd himſelf, which haſten'd his Death, for on the *Saturday* before the Octave of *Eaſter* [2], he was ſeiz'd with a violent Fever, which ſoon after carried him off at the Age of 46, after he had reign'd Sixteen Years, two Months and three Days, from the Time of his being crown'd King of *Sicily*, when his Father was ſtill alive.

THE Queen being afraid leſt the ſudden News of the King's Death might occaſion ſome dangerous Commotion amongſt the *Palermitans*, caus'd it to be conceal'd, till the Arrival of the Barons who had been already ſent for to be preſent at the Coronation of the new King. After it had been huſh'd up for a few Days, the Death of the Father, and the Reign of the Son were publiſh'd at the ſame Time; and the Corps was honourably carried to St. *Peter*'s Chapel, where, for three Days ſucceſſively, the funeral Solemnities were pompouſly and magnificently celebrated, at which all the Barons and Biſhops that were in *Palermo* were preſent; and in proceſs of Time the Corps was tranſported to the Church of *Montreale*, which the King his Son caus'd to be built, where the Queen made a ſtately Tomb to be erected, which is to be ſeen at this Time without any Inſcription.

WILLIAM, according to *Romualdo*, was a Prince of a noble and graceful Aſpect, exceeding covetous, and moſt intrepid in War: He often vanquiſh'd his Enemies both by Sea and Land; but in Peace was very indiſcreet, and beyond meaſure a Lover of Eaſe, and indolent. His Inclination to Cruelty, and his too great Deſire of heaping up Money, and his Laviſhneſs in ſpending it, made him appear wicked in the Eyes of the People: As for the reſt, he eſteem'd and careſſed his Friends, and rais'd them to great Honours, and liberally rewarded them: On the other hand, he was a bitter Perſecutor of his Enemies, many of which he put to a cruel Death, and others he baniſh'd: He was very Religious, and a Lover of Divine Worſhip, and he had a great Regard for the Popes, with whom he had no Diſputes, excepting in the beginning of his Reign with *Adrian*.

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[1] Pellegr. in Caſtigat. ad Anonymum Caſſin. anno 1172. ex Hugone Falcando, & Romualdo.

[2] *The Chronicle of* Foſſanova *ſays, that it was in the Month of* May. Fazzello *ſays, it was the 9th of* May.

CHAP. V.

The Laws of King William I.

ALTHO' ſome of this Prince's Laws ſeem'd grievous to his Subjects, on account of the great Deſire he had to heap up Riches; nevertheleſs all the reſt were very good and uſeful, inſomuch that *Frederick* II. caus'd them to be inſerted in the Volume of his Conſtitutions, compil'd by *Pietro delle Vigne*, and order'd them and thoſe of *Roger* to be obſerv'd. We have Twenty-one of the Laws of this Prince in the Volume of the Conſtitutions, which muſt be diſtinguiſh'd from thoſe which *William* II. publiſh'd afterwards, that they may not be confounded, as ſome Writers have done, who have taken them all to be *William* I's.

THAT, which we read in the firſt Book, under the Title *de Uſurariis puniendis*, and which, in ſome Editions, bears in the Rubrick the Name of *Roger*, and in ſome others that of *William*, as we have ſaid, is neither *Roger*'s, nor, as *Andrea d'Iſernia*, *Afflicto*, and ſome of our Writers have believ'd, *William* I's. It was publiſh'd long after by *William* II. his Son; for this Law ordains, that all Cauſes concerning Uſury, that ſhall be brought before his Court, be decided, and determin'd according to the Pope's Decree lately publiſh'd in *Rome*, meaning the Decree which was made againſt Uſurers in the *Lateran* Council, celebrated in *Rome* by *Alexander* III. and inſerted by *Gregory* IX. in his *Decretals* [1]; ſo that *William* I. cannot be the Author of it, for this Council was celebrated by *Alexander* in the Year 1180, according to *Antonio d'Agoſtino*, or, as the moſt accurate Writers ſay, in 1179, when *William the Wicked* was dead, who, as we have ſeen, died in the Year 1166, and *William* II. was reigning in *Sicily*, who, altogether differing from his Father, hated Uſurers and their abominable Pelf, and would have Uſury to be judg'd by the Canons of the *Lateran* Council, and not by the Civil Law. 'Tis worthy of Obſervation, that in theſe Times the ſecular Judges took Cognizance of the Crime of Uſury, and it did not belong to the Eccleſiaſtical Judges, as they afterwards pretended; for *William* only ordain'd, that his Judges ſhould decide ſuch Cauſes not by the Civil Law, but according to that Decree, which, without this Conſtitution, would not have been obligatory upon his Subjects, becauſe the Eccleſiaſtical Canons had not as yet acquir'd that Force and Authority in the Courts of Juſtice, which, by long Cuſtom, they afterwards obtain'd in the new Dominions of Chriſtian Princes; but that they might be obſerv'd in the Tribunals, and have the Force of Laws, the Prince was forc'd to command it.

IN like Manner the other Conſtitution, which we read in the ſame firſt Book, under the Title *Ubi Clericus in Maleficiis debeat conveniri*, ought to be attributed to *William* II. and not to *William* I. This, with another, which we read in the third Book, under the Title *de Adulteriis coercendis*, was made by *William* II. at the Deſire of *Walter* Archbiſhop of *Palermo* [2], by which the Perſons of the Clergy of his Kingdom, with reſpect to criminal Matters, were exempted from ſecular Juriſdiction, and ſubjected to that of the Church, which was to judge them according to the Canons and Eccleſiaſtical Laws; excepting only the Crimes of Felony, and thoſe, which for their Heinouſneſs, concern'd the King's Majeſty, the Cognizance of which he would have to belong to his own Courts.

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[1] Decret. lib. 5. tit. 16. cap. 6.

[2] Tutini degli Ammir. pag. 41.

NEVERTHELESS the other Conſtitutions which follow in the ſame firſt Book, under various Titles, are *William* I's. We have the firſt under Title 59, by which Officers are forbid to imploy others to officiate for them in their Employments, and particularly the Lord Chief Juſtice, and other inferior Juſtices were not to appoint Deputies for exerciſing their Offices, and the Offenders were to be puniſh'd capitally. The ſecond is under the Title *De juramentis non remittendis a Bajulis*, whereby any of theſe Officers, who, out of Favour, or for Money, diſpenſed with the Oaths, or other Proofs in Law Suits, which by the Judges they had been order'd to take, were fin'd in a Pound of Gold. The third under the Title, *De Officio Magiſtri Camerarii*, was made to prevent Confuſion amongſt the Officers, and to inform each of them of their Duty in their ſeveral Stations. By which Conſtitution it was ordain'd, that the High Chamberlain ſhould take Cognizance in Civil Matters only, and not in Feodal, which belong to the High Court, and the Chief Juſtices; and that the Differences that might ariſe betwixt Bailiffs and Tax-gatherers under his Juriſdiction, ſhould be decided by him; and that Appeals of Cauſes decided by the ordinary Judges, ſhould be brought before him, whoſe Decrees he might either confirm or annul, as he ſhould think juſt: From whom there was no Appeal to the Chief Juſtice as formerly, but only to the King.

THE Fourth, under the ſame Title, orders the High Chamberlain, with the Advice of the Bailiffs to make Aſſizes of all vendible Things, in every City and Place under his Juriſdiction.

THE Fifth, which we read under the Title *De Officio Secreti*, is Local, and regards the Province of *Calabria*, whereby it is ordain'd, that the Office of Secretaries and Tax-gatherers of that Province ſhould be perform'd by the Chamberlain thereof. And in the Sixth, which follows, the ſaid Secretaries and Receivers of the Rents are particularly injoin'd to have a watchful Eye on the Treaſures that ſhould be found, and to apply them to the King's Uſe, and to take Care of all Shipwrecks, becauſe if the Maſters of the Veſſels were dead, and had no lawful Heirs, the Goods belong'd to the King. And they were likewiſe to take Care of the Goods of thoſe who died Inteſtate, and had no lawful Succeſſors, and to give the third Part of the Price of their hereditary Eſtate to the Poor, to pray for the Soul of the Deceas'd, and all the reſt was to be apply'd to the King's Uſe.

THE Seventh, under the ſame Title, ordains the Juſtices, Chamberlains, Caſtellans and Bailiffs, to be diligent in aſſiſting and adviſing the ſaid Secretaries and Receivers, in every thing that was for the King's Advantage.

THE Eighth, which we read under the Title *De præſtando Sacramento Bajulis, & Camerariis*, deſerves to be minded; for the King preſcribes to the Chamberlains and Bailiffs, how they ought to adminiſter Juſtice to his Subjects. He ordains them to adminiſter it according to his own Conſtitutions, and thoſe of his Father *Roger*, and wherein thoſe fail'd, according to the approv'd Cuſtoms of his Dominions, and laſtly, according to the common *Longobard* and *Roman* Laws; which is a Proof, that in this Prince's Time the *Longobard* Laws were in Force, and obſerv'd in this Kingdom, and were look'd upon to be as much the common Laws, as the *Roman* were. Whence it came that the firſt Works which we have of our Lawyers, are upon the *Longobard* Laws, and that *Carlo di Tocco*, Contemporary with this *William*, who, in the Year 1162, made him Judge of the High Court [1], was at the Pains to comment upon them; in doing of which he made uſe of the Pandects, and others of *Juſtinian's* Books: not that theſe had acquir'd the Force of Laws in this Kingdom; but becauſe the *Longobard* Laws were not reputed ſo barbarous and unpoliſh'd, ſeeing many of them were conformable to the Laws of the Pandects, which had inhanc'd the Study of many, who began to deſpiſe the *Longobard* Laws. Neither did *William* mean any other thing by the common *Roman* Laws, but thoſe that, before the Pandects were found in *Amalphis*, had continu'd by Tradition amongſt our Country-People; for tho' in the other Cities of *Italy*, as being publickly taught in their Academies, they began to be quoted in the Courts of Juſtice, yet hitherto in theſe our Provinces, there being as yet no publick Schools till the Time of *Frederick* II. they not only had not acquir'd any Authority of Laws, nor were quoted in the Courts; but they were not ſo much as taught, and explain'd, as they were in *Bologna*, *Milan*, and the other Cities of *Italy*; and Cauſes were for the moſt Part decided according to the *Longobard* Laws, as is clear from thoſe two Sentences formerly mention'd by us, and recorded by *Pellegrinus*, the one in the Reign of King *Roger*, the other in that of *William* II. And this is ſo certain, that it was not ſo much as allow'd to have recourſe to the Laws of the Pandects, when the *Longobard* fail'd; which is evident from the Commentaries of the ſaid *Carlo di Tocco* [1], wherein he has this Queſtion, As the Child ſucceeded to the Mother, whether, or no, could the Mother ſucceed to the Children? he ſays, that the *Longobard* Laws have eſtabliſh'd nothing on this Head, whence the Mother, as a *Cognate*, ought to be excluded; for according to theſe Laws the *Agnates* only ſucceed, and that therefore a new Law behov'd to be made to make her capable to ſucceed to her Children, juſt as was practis'd amongſt the *Romans*, who, in order to make a Mother capable to ſucceed, were forc'd to eſtabliſh it by a *Senatus conſultum*. What need then would there have been of this new Law, if the Defect of the *Longobard* Laws could have been ſupplied by the Laws of the Pandects? In the Time then of this *William*, the common Laws of the *Romans* were not thoſe that were contain'd in the Pandects, but thoſe that had continued among the People, which, after the *Roman* Empire was extinct, they kept up rather as ancient Uſages, than as written Laws, the Books of *Juſtinian* not being known in theſe Provinces for many Ages after, and it was very long before they recover'd their ancient Authority and Force in them, which was owing rather to Cuſtom than any Conſtitution of a Prince commanding it, as ſhall be clearly ſeen in the Courſe of this Hiſtory.

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[1] Top. de Orig. M. C. cap. 10.

WILLIAM's ninth Conſtitution, which we read under the ſame Title, runs all upon the Duty of the High Chamberlains and Bailiffs. It preſcribes the Number of Bailiffs and Judges in each City and Place of the Province, and orders the Chamberlains not to put theſe Offices to Sale, but to give them to deſerving and faithful Perſons, over whom they were to have a watchful Eye, and obſerve their Proceedings; and to ſee that Juſtice was faithfully adminiſtred, and the Provinces well govern'd.

THE Tenth, which we have under the Title *De quæſtionibus inter Fiſcum & Privatum*, ordains the High Chamberlains to take Cognizance of all Cauſes, excepting Feodal, both Perſonal and Real, betwixt the Exchequer and private Perſons, with the Aſſiſtance of the Juſtices, in the Preſence of the Attorney General.

THE Eleventh, under the Title *De cognitione Cauſæ coram Bajulis*, gives Power to the Bailiffs to take Cognizance, within their Juriſdiction, of all Civil Cauſes, as well Perſonal as Real, excepting Feodal Cauſes; and to take Cognizance of petty Larceny, and other leſſer Crimes, which were not puniſhable with Mutilation of Members.

THE Twelfth, which we read under the Title *De fure capto per Bajulum*, orders the Bailiffs, when they have taken any foreign Thief, to deliver him over with the Goods into the Hands of the Juſtices; and if he belong to the Diſtrict, they are likewiſe to deliver him over to the Juſtices, but his moveable Goods are to be conſign'd in the Hands of the King's Treaſurer of that Place.

THE Thirteenth, under the Title *De Bajulorum Officio*, injoins the Bailiffs to ſee that a juſt Price be put upon vendible Things, and irremiſſibly to exact the Fines of thoſe who ſhall ſell contrary to the Aſſizes, or who ſhall be found to have falſe Weights and Meaſures.

THE Fourteenth, under the Title *De pœna negantis depoſitum, vel mutuum*, puniſhes ſeverely Pawnbrokers, or thoſe who refuſe to reſtore to the Owners, Goods lent or pledg'd.

THE Fifteenth, under the Title *De Clericis conveniendis pro poſſeſſionibus, quas non tenent ab Eccleſia*, deſerves more Attention than all the reſt. In it is decided, that if the Clergy be ſued for any Poſſeſſions, Tenements, or other Goods belonging to their Patrimony, which has not come to them by the Church, but ſome other way, ſuch Cauſes fall under the Cognizance of the Secular Court of the Place where the Poſſeſſions are ſituated, tho' they ſhould object againſt it; only the Secular Judges are forbid to ſeize on their Perſons, or impriſon them; but they are to put their Sentence vigorouſly in Execution againſt the Goods in Queſtion. At the Time that this Law of *William*'s was publiſh'd, it ſeem'd to be no ways irregular or extravagant; nor even ſince, in the Time of *Marino Caramanico*, an ancient Commentator on theſe Conſtitutions, who found no Fault with it. But in after Ages, when the Canon Law of the Decretals began to inſtil other Maxims into the Minds of our Lawyers, it appear'd to be very odd and monſtrous. *Andrea d'Iſernia*, who wrote in theſe Times, did not ſtick to ſay that ſuch a Conſtitution was good for nothing, but ought to be look'd upon as null and void, as levell'd againſt Eccleſiaſtick Perſons, and the Immunity of the Church. He adds, that the Legiſlator is miſtaken, that conſiders the Quality and Circumſtances of the Goods, and not of the Perſon, foraſmuch as Goods take their Quality from the Perſons, and theſe are ſued, and not the Goods. He likewiſe calls thoſe ignorant, who ſay that the Pope and the Church of *Rome* approv'd of theſe Conſtitutions; for he ſays the Confirmation does not appear, and tho' it ſhould appear in general Terms, yet it could not be ſaid that the Pope had approv'd of this Conſtitution, and if he had been requir'd to approve of it in particular, he would have refus'd to do it. But from what we have ſaid in the preceding Books, when we had occaſion to treat of the Eccleſiaſtical Polity, we may eaſily perceive how little Truth is in what *d'Iſernia* advances.

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[1] Carol. de Tocco in l. ſi Sorores 25. verb. ſi propinqui in fin. de Succeſ. lib. 2. tit. 14.

THE Sixteenth, which is the laſt of this Prince, by *Pietro delle Vigne* plac'd in the firſt Book of the Conſtitutions of the Kingdom, under the Title *De Officio Caſtellanorum*, contains nothing elſe, but an Order to the Caſtellans, and their under Officers, not to exact any Thing from Priſoners that have not remain'd a Night in Priſon; and if they did remain a Night, they were to pay half a *Tarine*, and no more.

WE have none of King *William*'s Laws in the Second Book, but in the Third we firſt meet with the Seventeenth, under the Title *De Dotariis conſtituendis*, whereby 'tis ordain'd, that Wives, after the Death of their Husbands, in order to ſecure their Dowries to the Heirs, ſhall ſwear Fealty to the Lords of the Baronies of whom their Dowries are held.

THE Eighteenth, which has for Title *De Fratribus obligantibus partem Feudi pro dotibus ſororum*, allows Brothers who have no moveable or hereditary Goods, to mortgage a Part of the Fief for Portions to their Siſters; and moreover, if they have three or more Fiefs, to give one of them for that ſame Purpoſe; but in all theſe Caſes, when either the Fief is mortgag'd, or alienated, or ſet apart for the Siſters Portions, the King's Conſent muſt always be obtain'd. And beſides, Matrimony cannot be contracted without his Aſſent and Permiſſion, otherwiſe all is void and null; which, as we have ſaid, gave Occaſion to the Barons of the Kingdom to complain of the grievous Yoke impos'd upon them by this Law, which hinder'd their giving their Daughters or Siſters in Marriage without the King's Aſſent; but for all that, *Frederick*, for the Reaſons we have already alledg'd, when we had Occaſion to treat of *Roger*'s Laws, would confirm it; for the Law was not grievous in what it preſcrib'd, but in the bad uſe which *William* made of it, who, out of Covetouſneſs to have the Fief devolve to himſelf, was inflexible, and would not give his Conſent to ſuch Marriages, whence proceeded thoſe Complaints and Troubles which happen'd in the Reign of this Prince.

THE Nineteenth Law of *William*, under the Title *De Adjutoriis exigendis ab hominibus*, deſerves to be carefully minded; for in it we meet with many Things worthy of Obſervation. Firſt it checks the Covetouſneſs of the Prelates, Counts, Barons, and other Feudatories, who, upon the moſt trifling Occaſion, extorted exorbitant Subſidies from their Vaſſals; whence *William*, being reſolv'd to eaſe them from this Oppreſſion, ſettles the Caſes wherein they could juſtly claim them. The Caſes are theſe. I. For ranſoming their Superior, when taken by the Enemy fighting under the King's Banner. II. When the Superior had a mind to inroll a Son in the Army. III. When he was to give his Daughter or Siſter in Marriage. IV. When he was to buy ſome Place, that would be of Service to the King, or his Army. The Caſes which he eſtabliſhes, wherein the Prelate can juſtly claim Subſidies from their Vaſſals, are likewiſe very remarkable. I. For their Conſecration. II. When they ſhall be call'd by the Pope to aſſiſt at any Council. III. For the Service of the King's Army, if they are in it. IV. When they ſhall be ſent for by the King; where 'tis to be obſerv'd, that in theſe Times it was never call'd in Queſtion if Princes could ſend for Prelates, nor did they make any Difficulty to obey ſuch Calls, as they began to do in later Times; tho' in our Kingdom our Princes have always maintain'd that Power, and expell'd thoſe who dar'd to diſobey. V. If they ſhall be ſent by the King any where for his Service, which frequently happen'd, for they were employ'd in the Affairs of the Crown. And Laſtly, When the King had occaſion to lodge upon their Lands. In all theſe Caſes the Prelates were allow'd to exact Subſidies from their Vaſſals, but 'tis ſubjoin'd in the ſame Conſtitution, that they ought to do it moderately.

THAT other, which we read under the Title *De Novis ædificiis*, tho' in ſome Editions it bears the Name of *Roger*, and in others that of *William*, yet 'tis plain, that it belongs neither to the one nor the other. The Author of it was *Frederick* II. which is evident from theſe Words, *ab obitu divæ memoriæ Regis Gulielmi conſobrini noſtri*, by which *Frederick* means *William* II. who was his firſt Couſin, as being Son of *William* I. Brother of *Conſtantia* the Mother of *Frederick*.

THE Twentieth, under the Title *De Servis, & ancillis fugitivis*, by which *William* prohibits the entertaining of Servants who have deſerted their Maſters; and in caſe they be taken, he ordains them to be deliver'd up to their Maſters, if they be known; if not known, he orders them to be deliver'd over to the Bailiffs, who are immediately to ſend them to his, the King's High Court, otherwiſe the Tranſgreſſors, even the Bailiffs themſelves, are liable to loſe their whole Subſtance, which is to be applied to the King's Uſe; but *Frederick* in the Conſtitution *De Mancipiis*, gives a Year for the Maſters to recover them after they are ſent to the High Court.

THE laſt, under the Title *De pecunia inventa in rebus alienis*. If theſe Laws which we have hitherto mention'd ſhew this Prince's Greedineſs to heap up Riches, and to impoſe ſo many pecuniary Mulcts, whereby he might inrich his Treaſury, this, which we are now going to give account of, makes it much more evident. From the Year 1161. *William* had made Laws, that whoever ſhould find a Treaſure, it was to belong to the King [1]. In this he ordains, that whoever ſhould find Gold, Silver, precious Stones, and other ſuch like Things, that were not his own, ſhould immediately carry them to the Juſtices, or Bailiffs of the Place where they were found, who were preſently to tranſmit them to his High Court, otherwiſe they were to be puniſh'd as Robbers. Declaring likewiſe in general, that whatſoever ſhall be found in his Kingdom, the Owner of which cannot be found, ſhall belong to himſelf. He would have what follows to be thought an Act of Piety, to wit, that if in the Space of a Year, any Perſon ſhall prove that he was the true Owner of the Goods found, they were to be deliver'd to him, but after that Time was expir'd, they were his own. *Frederick* II. in the following Conſtitution approves of the Law, and adds only this, that the found Goods were to be kept by the Juſtices and Bailiffs of the Counties where they were found, becauſe he thought it was unjuſt to oblige the Owners to go to the High Court to prove that they were theirs, becauſe it might coſt them perhaps more than the Value of the Goods.

THESE are the Laws of *William* I. which *Frederick* was pleas'd to retain and add to his own, and thoſe of his Grandfather; for the other, which we read under the Title *De Adulteriis coercendis*, whereby, if no Violence has been us'd, it is remitted to the Eccleſiaſtical Judges to take cognizance of the Adultery, with which the Empreſs *Conſtantia* comply'd by her Letter recorded by *Ughellus*, is neither *Roger*'s nor this *William*'s, but *William* II. his Son's, which will be clearly ſeen when we come to treat of the Laws of that Prince.

SOME likewiſe ſay, that it was *William* who firſt inſtituted the Tribunal of the High Court; neither is it to be doubted, that in the Year 1162. *Carlo di Tocco*, who commented on our *Longobard* Laws, was one of the Judges of this High Court. But as that is true, ſo neither can it be denied, that the High Court in King *William*'s Time, was that which he erected in *Palermo*, the Place of his Royal Reſidence, but not that, which in the Reign of *Frederick* II. and that of *Charles* I. of *Anjou*, was eſtabliſh'd in *Naples*. In *William*'s Time *Naples* was no more look'd upon than any other City of the Kingdom; but *Salerno*, and *Bari* (before it wat demoliſh'd) were the top Cities. And tho' ſome ſay that this Prince fortified *Naples* with two famous Caſtles, *viz.* the *Capuan* againſt the Aggreſſors by Land, and that of *Uovo* againſt thoſe by Sea; yet others will have *Frederick* to be the Founder of them: But none can deny that *Frederick* II. began by Degrees to make this City the Head and Metropolis of all the reſt, as well by introducing the Univerſity, as the High Court and Mint, afterwards call'd *Camera Summaria*; and that it was not a Royal Seat before the Reign of *Charles* I. of *Anjou*, when all the Affairs of the Kingdom were tranſacted in *Naples*, which at laſt rais'd it to be the Head and Metropolis of all the other Cities, as ſhall be ſeen in the Courſe of this Hiſtory.

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[1] Bardi, tom. 3. Cron. fol. 333.

IN the Time of the laſt *Norman* Kings, there was not a City in theſe Provinces, that could be ſaid to be the Head of the reſt. Each Province had its own Juſtices, Chamberlains, and other particular Officers, none of which intermeddled with the Affairs of the others. Neither was the Number of Provinces in theſe Times increas'd to twelve, as it was afterwards (if we may believe *Sorgente* [1]) in the Time of *Frederick*, but our Country was divided into Diſtricts, according to the Juſtices that were ſent to govern them; whence they took the Name of *Giuſtizierati*, or Juriſdictions, and afterwards into Provinces, and govern'd by *Præſides*, which will be better underſtood in the following Books of this Hiſtory.

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[1] Surg. Neap. illuſtr. cap. 24. n. 2.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK XIII.

THE Death of *William* I. and the Acceſſion to the Throne of *William* II. his Son, made the whole Kingdom eaſy; for the graceful Behaviour, and Generoſity of the Youth, ſo gain'd him the Love and good Will of every Body, that even thoſe who had been his Father's bitter Enemies, reſolv'd to be moſt faithful to him, being ſatisfied that the Death of the Father had put an end to all their Troubles, and that they ought not to impute the Tyranny of the Father to the innocent Youth. In the mean time Queen *Margaret* his Mother, having aſſembled all the Prelates and Barons of the Kingdom, caus'd him to be ſolemnly crown'd in the Cathedral Church of *Palermo*, by *Romualdo* Archbiſhop of *Salerno*: At which Solemnity, beſides the Prelates and Barons, a vaſt Number of the Inhabitants of the City were preſent, and after the Coronation was over, with great Marks of Love and Gladneſs, accompanied him to the Palace. And the Queen, becauſe of his tender Age, not yet Twelve Years of Age compleat, who had taken the Charge of the Government of the Kingdom upon herſelf, in order to rivet in the People the Love they bore her Son, caus'd all the Priſoners to be ſet at Liberty, and order'd all thoſe that had been baniſh'd by the King her Husband to be recall'd, and among the reſt *Tancred* Count of *Lecce*, and remitted many heavy Taxes that had been impoſ'd upon the People, for which end ſhe wrote to all the Chamberlains of *Puglia*, not to exact for the future that inſupportable Burden, call'd *Redemptionis*, which had reduc'd theſe Provinces to the utmoſt Deſpair [1]. She reſtor'd to their Baronage, thoſe who had been depriv'd of it, and granted it to many others, and with a liberal Hand, made many Donations to ſundry Churches.

BUT her having, contrary to the laſt Will of her Husband, indiſcreetly advanc'd *Gaito Pietro*, and made him Superior in the Government to *Matteo Notajo*, and the Elect of *Syracuſa*, by giving him the whole Charge of the Kingdom, occaſion'd new Diſturbances at Court; for the other Courtiers envying his Greatneſs, preſum'd too much upon the King's Youth, and little minding the unſettled Government of a Woman, they began to make a Revolution in the King's Family, which was carried on by the Advice of *Gentile* Biſhop of *Agrigento*, who having ingratiated himſelf with the Archbiſhop of *Reggio*, contriv'd the Ruin of the Elect of *Syracuſe*, and at the ſame time brib'd *Matteo Notajo*; and they put Matters into ſuch Confuſion, that *Gaito Pietro* was forc'd to fly for Protection to the King of *Morocco*. But theſe Quarrels (after various Turns, which *Falcando* gives us at length) being over, and the Elect ſtanding his Ground, ſoon after Ambaſſadors from *Emanuel* Emperor of the Eaſt arriv'd in *Palermo*, to renew the Peace with the young King, and offer him *Emanuel's* only Daughter in Marriage, and the Empire for her Portion; the Ambaſſadors were kindly receiv'd, and the Peace renew'd; but the Marriage could not then be concluded, on account of the many Difficulties that occur'd in the Treaty.

IN the ſecond Year of *William's* Reign ſome Troubles happen'd both in *Sicily* and *Puglia*, not occaſion'd by foreign Powers, but by the Quarrels of the Courtiers, and ſome Barons, who got the High Chancellor *Stefano di Parzio*, Son of Count *di Parzio*, a Kinſman to the Queen (who had invited him out of *France*, and, after many Turns, had given him the Charge of the Government) to perſuade the King to leave *Palermo*, and go to *Meſſina*, where he would be at hand to ſettle Matters in *Puglia*. But theſe Commotions in *Sicily* and *Puglia* were but Trifles, and eaſily ſuppreſs'd, in compariſon of thoſe in *Lombardy*, and of the War ready to break out betwixt Pope *Alexander* III. and the Emperor *Frederick Barbaroſſa*; for both *Sicily* and *Puglia* were ſoon reſtor'd to a peaceable State. The Eyes of every Body were now fix'd upon the Emperor *Frederick*, who, with a great and powerful Army had march'd into *Italy*, to make War upon Pope *Alexander* and the *Romans*, who, in a diſorderly Manner, charging a Body of *Frederick's* Army too boldly, were routed, a great many kill'd, and as many taken Priſoners, the reſt with Difficulty having got within the Walls of *Rome*. The Pope, and all the People were in great Perplexity, and the Emperor, who had already taken *Ancona*, hearing of this Victory, and being determin'd to march into *Puglia*, came with the reſt of his Army directly to *Rome* [2], and having made a briſk Attack upon the Gate of Caſtle St. *Angelo*, he afterwards aſſaulted St. *Peter's* Church, but not being able to take it eaſily, he ſet fire to it; which ſo terrified thoſe within, that they immediately ſurrendered, and *Alexander*, ſtruck with Fear, quitted the *Lateran* Palace, and fled to the Houſe of *Frangipani*, where he with all the Cardinals fortified themſelves in a Tower of the *Chartulary*.

THE Emperor the *Sunday* following, at a ſolemn Maſs in St. *Peter's* Church, cauſ'd himſelf to be crown'd with the Royal Crown, by his Anti-pope *Odone da Crema*, and the *Monday*, being the Feaſt of St. *Peter in Vinculis*, the ſame Anti-pope crown'd him with the Imperial Crown, together with his Wife *Beatrice*.

OUR *William* maintain'd the ſame Friendſhip and Correſpondence with the Pope, as his Father had done, inſomuch that *Alexander* was not in the leaſt offended that *William* had been crown'd without his Knowledge, which his Predeceſſors would not have taken in good Part; and having heard of the great Straits the Pope was in, and *Frederick's* Reſolution to march into his Kingdom of *Puglia*, immediately diſpatch'd from *Meſſina*, where he now was, two of his Gallies with a great Sum of Money to *Alexander*, in order to bring him from *Rome*; the Gallies unexpectedly arriving in the *Tyber*, much comforted the Pope, who, unwilling as yet to leave the City, kept the King's Ambaſſadors with him for Eight Days, and then ſent them back to their Maſter with a ſincere Acknowledgment of ſo ſeaſonable a Relief. He gave part of the Money to the *Frangipani*, and part of it to *Pier Leoni*, that thereby they might be enabled the more reſolutely and bravely to defend the City. But perceiving afterwards, that the Emperor was reſolv'd to turn him out of the Papacy, and that the *Romans* began to ſtagger, having put on a Pilgrim's Habit, with a few of his Followers he left *Rome*, and fled to *Gaeta*, whither being ſoon follow'd by his Cardinals, he re-aſſum'd the Pontifical Habit, and went to *Benevento*.

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[1] Hug. Falcan.

[2] Baron. ad an. 1167.

BUT ſoon after, *Frederick* was forc'd to return to *Germany*, for his Army being ſeiz'd with a deadly Peſtilence, in the Space of eight Days, the greateſt Part of his Soldiers, and the principal Barons that he had brought along with him died, amongſt which were *Frederick* Duke of *Bavaria*, Count *Vaſton*, *Bercard* Count of *Arlemonte*, the Count of *Seſia*, *Reinald* Archbiſhop of *Cologn*, with his Brother, and the Biſhop of *Verdun*; ſo that he arriv'd in *Germany* with a ſmall Number.

IN the mean Time new Troubles and Commotions had ariſen in *Sicily*, ſtill occaſion'd by the Courtiers, and the old Domeſticks of the King's Houſhold, which, not being to the Purpoſe of our preſent Hiſtory, we willingly paſs over in Silence; ſo much the rather, that they have been minutely tranſmitted to Poſterity by *Ugone Falcando*, and with great Care lately collected by *Franceſco Capecelatro*, in his Hiſtory of the *Norman* Kings, and by *Agoſtino Inveges* in his Hiſtory of *Palermo*. At this ſame Time happen'd likewiſe the famous Conſpiracy of the *Sicilians*, againſt *Stefano di Parzio* the Chancellor, whom they oblig'd at laſt to leave *Palermo*, and fly to *Paleſtine*, where he died: The Hiſtory of this Conſpiracy is written by *Peter* of *Blois*, Archdeacon of *Battona*, a moſt renown'd Man, who came out of *France* to *Sicily*, with *Stefano*, and was for a Year the young King's Preceptor, and then his Secretary and Counſellor; and being elected Archbiſhop of *Naples*, his Enemies took that Opportunity to get him to be remov'd from Court, upon which he renounc'd the Archbiſhoprick. Being Valetudinary he continued ſome Time in *Sicily* after the Chancellor's Departure; and tho' he was intreated by *William* to ſpend the reſt of his Days there, promiſing ſtill to have a great Regard for him, yet ſuch was the Abhorrence he had to the *Sicilians* and their Ways, and their ill Uſage of the Chancellor, that by no means could he be perſuaded to ſtay. He was one of the moſt learned Men of this Age, and we have as yet many of his Works, and a Volume of Letters [1]. *Ugone Falcando*, a *Sicilian*, having begun his famous Hiſtory from the Death of King *Roger* in the Year 1154, brings it down to this preſent Year 1170. where *Peter* begins his learn'd Hiſtory of fifteen Years, with ſo much Elegancy, that 'tis ſurprizing, how, in ſo rude Times, he could write ſo politely.

IN this Interim died in *Rome*, *Guido da Crema*, the Antipope, call'd *Paſcal* III. who, by the Means of the Emperor *Frederick*, had been created in the Place of *Octavianus*; and his Faction, not willing to ſubmit to *Alexander*, this Year 1170. immediately choſe a Third, who was a certain *John* Abbot of *Strumi*, a *Hungarian*, whom they call'd *Calliſtus* III. tho' *Alexander*, who ſtaid in *Benevento*, was then acknowledg'd for true Pope by all Chriſtians, excepting the Emperor and ſome of his *Germans*. *Alexander* left *Benevento* and went to *Rome*; but the *Romans* being offended with him, becauſe he had receiv'd into Favour the Count of *Tuſculo* their declar'd Enemy, would not receive him, whereupon he return'd to *Gaeta*, where he remain'd for a long Time; from thence he went to *Alagna*, where he fix'd his Reſidence.

IN the mean Time the Emperor *Emanuel* ſent new Ambaſſadors to King *William*, who concluded a Marriage betwixt him and *Juramutria* their Emperor's Daughter, and fix'd the Time for conducting her by Sea to *Puglia*; and the King, with his Brother *Henry*, Prince of *Capua*, ſoon after went to *Taranto* to receive the Bride; but the perfidious *Greek*, for what Reaſon 'tis not known, ſlighting the contracted Marriage, did not ſend the young Lady. Some [2] make no mention of this Fact, but ſay, that *William*, in order not to diſguſt the Pope, refuſ'd this Marriage. However that may be, *William* left *Taranto*, and went to *Benevento*, from whence he ſent the Prince his Brother, who had been taken ill, to *Salerno*, from thence to go to *Palermo* in the Gallies for the Recovery of his Health, which did not avail him, for he was no ſooner arriv'd, than he died, in the Thirteenth Year of his Age, *Anno* 1172. He was with great

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[1] V. Chioccar. de Archiep. Neap. anno 1168. P. Tirin. tom. 3. in S. Script. in indice auct.

[2] Pirri, according to Inveges, lib. 3. hiſt. Pal. Rex nec Emanuelis Græci Imperatoris filiam, Icoramutriam nomine, ducere voluit.

Pomp interr'd in the Sepulchre of his Grandfather *Roger*, in the Cathedral of *Palermo*, and from thence ſome Time after tranſported to the Church of *Monreale*, where his Tomb is to be ſeen at this Time [1].

IN this *Henry* ended the *Norman* Princes of *Capua*, who held this Principality 114 Years, reckoning from the firſt, who was *Richard* Count of *Averſa*, in the Year 1058, to this *Henry* Son of *William* I. in this Year 1172, when their Succeſſion fail'd; for *William* II. having no Sons, he could not continue the Cuſtom of his Father and Grandfather *Roger*, who made one of their Sons Prince of *Capua*; and tho' 'tis probable that King *Tancred* would have continued the ſame Cuſtom, yet wanting Children, and being involv'd in Wars, and living but a ſhort Time after, could not do it. And the Kings his Succeſſors, aboliſh'd this Principality and Dynaſty altogether; for tho' in the Publick Deeds they kept up the Name of Principality, which was continu'd to be practis'd to the Year 1435. in the Reign of Queen *Joan* II. [2]; nevertheleſs, excepting the Name, the Principality was quite extinct, and thoſe who afterwards poſſeſs'd *Capua*, were neither in Dignity nor Dominion to be compar'd with theſe Princes.

HENRY's Death very much afflicted *William*, who ſoon after went to *Sicily*, where having aſſembled a ſtrong Army, he gave the Command of it to *Gualtieri di Moac*, afterwards his Admiral [3], and ſent him to *Alexandria* in *Egypt*, to aſſiſt the Chriſtians againſt *Saladin*. And this King reſolving to out-do his Predeceſſors in Piety, employ'd a Part of the Treaſure which they had heap'd up, in building a magnificent Church upon an Eminence call'd *Monreale*, not far from *Palermo*, which he beautified with Marble and *Moſaick* Work; and having endow'd it with great Revenues, conſiſting of many Cities, Caſtles, and rich Farms, and furniſh'd it with rich Veſtments, and coſtly ſacred Utenſils, he dedicated it to our Lady, under the Name of *Santa Maria Nova*, and gave it to the Fathers of the Order of S. *Benedict*. Neither ought we to forget in this Place, that the firſt who had the Charge of this Church were the Monks of the Monaſtery of the Cave, who were invited from our Provinces to *Sicily* by *William*; and who, on account of their great Sanctity, were much reſpected by the *Norman* Princes, eſpecially King *William*. This Church ſoon became famous, for beſides the Sanctity of the Monks employ'd in Divine Services there, by the Advice of *Matteo* Great Protonotary of *Sicily*; now, according to *Riccardo da S. Germano*, Vice-Chancellor of the Kingdom, *William* obtain'd of Pope *Alexander* III. that the ſaid Church ſhould be ſubject to no Archbiſhop, Biſhop, or any other Eccleſiaſtical Perſon, but to the Pope alone, and afterwards got it to be erected into an Archiepiſcopal See by Pope *Lucius* III. *Matteo* did all this out of Spite to *Walter* Archbiſhop of *Palermo*, in whoſe Juriſdiction this Church was, who in proceſs of Time knew well how to revenge himſelf, as ſhall be told. The firſt Archbiſhop of *Monreale*, was *William* a Monk of the Monaſtery of the Cave, who had formerly been Prior of it. This Place, on account of this famous Church, drawing many People to live in it, in a ſhort Time became a renown'd and rich City; and at this Time its Prelate is one of the richeſt and moſt conſiderable in *Sicily*.

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[1] Camil. Pellegr. in Stem. Princ. Cap. Norm. & in Caſtig. ad Anonym. Caſſin. anno 1172.

[2] Idem, in Diſſert. in 3 par. in Append.

[3] Capecelatr. hiſt. lib. 3.

CHAP. I.

William II's. *Marriage with* Joan, *Daughter of* Henry II. *King of* England. *The Emperor* Frederick's *Army defeated by the People of the* Milaneſe; *whereupon the Emperor made Peace with Pope* Alexander III.

IN the mean Time the Emperor *Frederick* of *Suevia* had march'd again into *Italy* with a great and powerful Army, and begun a cruel War in *Lombardy*; and while he was carrying on this War with alternate Succeſs, conſidering that the King of *Sicily* was very powerful, he endeavour'd to break off the Friendſhip betwixt him and the Pope, and to get him to enter into an Alliance with himſelf; for which end he ſent *Triſtan* his Chancellor, this Year 1176. to offer *William* his Daughter in Marriage, and to perſuade him to enter into a perpetual League [1]. But the King conſidering, that this Marriage and this Peace would be very diſagreeable to *Alexander*, and detrimental to the Affairs of the Church, rejected the Emperor's Offer. *Frederick* highly inrag'd at this Rebuff, immediately wrote to *Germany* for a Reinforcement of Soldiers for ſubduing the *Lombards*, who were making a brave Reſiſtance, and order'd *Triſtan* his Chancellor to attack the Kingdom of *Puglia* with his Army. In the Beginning of the Summer *Philip* Archbiſhop of *Cologn*, with many other great *German* Barons, and a ſtrong Body of gallant Soldiers, join'd the Emperor near the *Alps*, and march'd towards the *Milaneſe*, in order to burn and deſtroy that Country; but being met by the Army of the Confederates, a cruel and obſtinate Battle enſu'd, in which the *Germans* were defeated, and the greateſt Part of them kill'd, and *Frederick* being diſmounted, was in great Danger of his Life, and with much ado, with a few of his Men, got into *Pavia*, where he found the Empreſs, who not having heard any News of him for four Days, had given him over for Dead, and was bitterly lamenting the Loſs of him [2]. *Triſtan*, who had come to attack *Puglia*, and was encamp'd about the Village of *Celle*, being met with by *Tancred* Count of *Lecce*, who had been recall'd from Exile, and was in great Favour with the King, and *Roger* Count of *Andria*, with many other Barons, and a good Body of the Natives of *Puglia*, was repulſ'd, and forc'd to return without being able to do any Thing.

IN the mean Time *William*, who had been diſappointed in his Marriage with the Daughter of the Emperor of the Eaſt, and had refuſ'd the Daughter of the Emperor of the Weſt, being now Twenty-three Years of Age, and left alone, began ſeriouſly to think of Marriage; ſo that by the Advice of the Pope, he ſent *Elia* Biſhop of *Troja*, *Arnulfo* Biſhop of *Capaccio*, and *Florio Camerota* the Juſtice, to *Henry* II. King of *England*, to demand *Joan* his Daughter in Marriage; the Ambaſſadors were kindly receiv'd by the King, who having conven'd his Barons in Parliament, with their Advice he conſented to the Demand, and concluded the Marriage [3]. And the Lady immediately ſet out, accompanied with the Archbiſhop of *York*, and other *Engliſh* Lords as far as the City of S. *Egidio*, where ſhe was receiv'd by *Alfano* Archbiſhop of *Capua*, *Riccardo* Biſhop of *Syracuſa*, and *Roberto* Count of *Caſerta*, with Twenty-five Gallies, under the Command of *Gualtieri di Moac* Admiral, and conducted to *Naples*, where they celebrated the Feaſt of *Eaſter*. But the young Lady loathing the Sea, went by Land through *Salerno* and *Calabria*, and having paſs'd the Straits of *Meſſina*, landed at *Palermo*, where ſhe was magnificently receiv'd by the King her Husband, and the Marriage being ſolemniz'd, ſhe was crown'd Queen of *Sicily*.

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[1] Romuald. Arch. de Salern. apud Baronium: Ut ipſe Imperatoris filiam in uxorem acceptam, cum eo pacem perpetuam faceret.

[2] Sigon. de R. Ital. anno 1176.

[3] Roger. Hovenden's *Annals of* England.

IT was at this Time that the Archbiſhop of *Palermo*, who had perform'd all theſe Functions, taking hold of this favourable Juncture, begg'd of the King, that the Crime of Adultery might be puniſh'd by the Biſhop of the Dioceſs where it was committed, and that the Prelates might take Cognizance of the Offences of the Clergy; ſo that at his Requeſt that Conſtitution was made by *William*, which we read in the Volume of our Conſtitutions, under the Title *De Adulteriis coercendis*, which by a Miſtake of our Writers is attributed to *William* I. his Father. But if we may give credit to *Inveges* [1], who has recorded a Privilege granted by *William* ſome Years before, dated in *April* 1172, and directed *Comitibus*, *Juſticiariis*, *Baronibus*, *& univerſis Bajulis*, *qui ſunt in Parochia*, *& Diœceſi Archiepiſcopatus Panormi*, by which the King ordains, that the Crime of Adultery be tried within the Juriſdiction of *Walter* Archbiſhop of *Palermo*. And indeed in the Reign of Queen *Conſtantia*, we find, that the Cognizance of this Crime belong'd to the Eccleſiaſticks, which afterwards came to be diſus'd, and they had only the Cognizance of the Crimes of the Clergy of their own Dioceſſes.

AT this Time the Kings were wont to appoint Dowries for their Wives, ſo that *William* appointed Queen *Joan* her's; and in the Supplement made by the Abbot *Giovanni*, to the Chronicle of *Sigisbert*, we have the Writ appointing this Dowry [2], wherein the Cities of *Monte S. Angelo* and *Veſti*, with their Tenements and Appurtenances, are granted to this Queen for her Dowry; and beſides, the King gave her the Eſtate of Count *Gaufrido*, to wit, *Leſina*, *Peſchici*, *Vico*, *Caprino*, *Varano*, *Iſchitella*, and all that the Count had in the County of *Monte S. Angelo*. She likewiſe got *Cadelaro*, *Santo Chierico*, *Caſtel Pagano*, *Biſentino*, and *Conavo*. As alſo the Monaſtery of S. *Giovanni* in *Lama*, and the Monaſtery of *Santa Maria di Pulſano*, with all the Tenements which the ſaid Monaſteries held in the foreſaid County of *Monte S. Angelo*.

THE Emperor *Frederick*, after having receiv'd ſo great an Overthrow from the People of the *Milaneſe*, began ſeriouſly to conſider, that he was not able to maintain a War againſt the *Lombards*, when he had both the Pope and King *William* his Enemies; therefore, at the earneſt Deſire of his Barons, who proteſted that they would no longer follow him, if he did not reconcile himſelf with the Pope; he plainly, without any Fraud, reſolv'd to make Peace with *Alexander*; and becauſe the Negotiations of this Peace, and the Pope's going to *Venice*, are variouſly related by the Modern Writers, who having ſtuff'd their Hiſtories with many Fables, have pav'd the Way for Painters to take the ſame Liberty, therefore we ſhall trace the moſt accurate Writers, and eſpecially the moſt exact *Capecelatro*, and *Agoſtino Inveges*, who have more narrowly than others, ſearch'd after theſe Events in contemporary Authors, and particularly from the Hiſtory of *Romualdo* Archbiſhop of *Salerno*, who was preſent at the Treaty as King *William*'s Ambaſſador; and it ought not to ſeem tedious, if we give a minute Narrative of theſe Tranſactions, as they really happen'd, becauſe they will be found not to be extraneous or foreign to our Purpoſe, but rather very proper or pertinent to it.

THEREFORE *Frederick* being reſolv'd to make Friends with *Alexander*, ſent his Ambaſſadors to *Alagna*, the Place of his Reſidence, to ask Peace of him; the Ambaſſadors were the Biſhop of *Magdeburg*, the Archbiſhop of *Mentz*, the Elect of *Worms*, and the Protonotary of the Empire, four Men of great Worth, and who had been often employ'd in ſuch Affairs. Theſe having laid open their Commiſſions to the Pope, after various Conferences, which laſted fifteen Days, at laſt in a manner adjuſted the Differences betwixt him and their Maſter; but when they inſiſted that all the Differences betwixt the Emperor and the People of the *Milaneſe*, and the Cities of *Lombardy*, might be made up, they found they could not put the laſt

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[1] Inveg. hiſt. Palerm. tom. 3. A. 1172.

[2] V. Hovenden Ann. Angliæ. Capec. hiſt. lib. 3.

Hand to the Peace, without the Preſence of the Emperor, and Deputies of the ſaid Cities; therefore it was concluded, that the Pope ſhould go immediately to *Lombardy*, to have an Interview with *Frederick*, and that free Paſſage, and a Safe-Conduct ſhould be given by each Party, to all that had a mind to go to the Place where the Meeting ſhould be appointed, and to remain there, and depart at their Pleaſure, without any Moleſtation. For which end the Pope ſent Cardinal *Ubaldo* Biſhop of *Oſtia*, *Rinaldo* Abbot of *Monte Caſſino*, Cardinal of S. *Marcellino*, and *Pietro* of the Race of the Counts of *Marſi*, to take the Oath of the Emperor, and of the Confederates, that they would obſerve the Safe-Conduct, and to agree upon a Place for the Interview; and it was appointed by both Parties to be in the City of *Bologna*. The Pope likewiſe ſent his Legates to deſire King *William* to ſend ſome of his Barons in his Name to be preſent at this Interview; becauſe he did not intend to conclude a Peace with the Emperor, if he, who had been ſo ſtedfaſt a Supporter of the Intereſt of the Church, was not alſo comprehended [1]; upon which Meſſage, the King preſently ſent *Romualdo* Archbiſhop of *Salerno*, Author of this Relation, and *Ruggerio* Count of *Andria*, High Conſtable, to be preſent in his Name at all that ſhould be tranſacted. Then the Pope left *Alagna*, and by the Way of *Campania* came to *Benevento*, and from thence went to *Siponti* and *Veſti*, where, with many Cardinals, and the ſaid Ambaſſadors, he took Shipping in the Gallies ready prepar'd for him by King *William*, and had a pleaſant Voyage to *Venice*, where being honourably receiv'd, he was lodg'd in the Monaſtery of S. *Niccolo del Lito*, and the next Day was conducted by the Doge and the Patriarch, and a great Number of Biſhops, with a vaſt Multitude, to the Church of St. *Mark*, and from thence went to the Patriarch's Palace, which had been magnificently prepar'd for his Lodging and Entertainment.

THE Emperor *Frederick* hearing of the Pope's Arrival in *Venice*, ſent thither the Biſhop of *Magdeburg*, the Elect of *Worms*, and his Protonotary, to deſire that he would be pleas'd to pitch upon another Place for the appointed Interview, becauſe he, the Emperor, had a great many Enemies in *Bologna*. To which *Alexander* anſwer'd, That that Place had not only been fix'd upon by him, the Emperor, but alſo by the Ambaſſadors of both Parties, and by all the confederated *Lombards*, therefore, without the Conſent of all, he could not alter it; but, that the common Peace might not be retarded, he caus'd all the Deputies to be conven'd in *Ferrara*, whither he likewiſe went himſelf, and call'd a Meeting in the great Church dedicated to S. *George*; where, in the Preſence of them all, he made a long Speech about the Affairs of Peace. And the Emperor having ſent ſeven Ambaſſadors, the Pope appointed as many Cardinals, and the confederated *Lombards* deputed the Biſhops of *Turin*, *Bergamo*, and *Como*, the Elect of *Aſti*, *Gerardo Peſce* a *Milaneſe*, *Goezzo* a Judge of *Verona*, and *Alberto Gammaro* a *Breſcian*, who, after various Diſputes, at which King *William*'s Ambaſſadors were alſo preſent, with common Conſent agreed, that the Interview ſhould be in *Venice*.

THE Pope immediately diſpatch'd *Ugone da Bologna*, and Cardinal *Ramieri*, with ſome *Lombards* to the Doge, and People of *Venice* (the Government being then lodg'd in the Nobility and People, and not as now in the Nobility only [2]) to deſire them to engage themſelves, that he, and all thoſe in Company with him for treating of a Peace, might freely enter their City, remain in it, and depart at their Pleaſure, without ſuffering any Damage or Detriment in the leaſt, and that they would not ſuffer the Emperor to enter without the Pope's Conſent; the *Venetians*, without taking much Notice of the laſt Part of the Demand, granted *Alexander*'s Requeſt, and he immediately left *Ferrara*, and return'd to *Venice*. Now the Congreſs for a Peace was open'd, but many Difficulties and Differences ariſing, it was not likely to be eaſily concluded; therefore the Pope, that the Trouble they had already been at might not prove fruitleſs, propos'd, that there ſhould be a Truce with the *Lombards* for ſix Years, and with the King of *Sicily* for fifteen; to which the reſt agreeing, the Emperor's Conſent was only wanting to finiſh it; and the Chancellor having gone to the Emperor with this Propoſal, at firſt he rejected it; but he afterwards conſented, upon Condition that the Pope ſhould reſtore to the Empire the Eſtate of the Counteſs *Mathilda*, which *Alexander* would by no means agree to; thus was the

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[1] Romual. Archiep. Salern. Nequaquam cum Imperatore ſine Rege Wil. pacem facere.

[2] V. Lo Squittinio della liberta Veneta di M. Velſero.

Time ſpun out; for the Emperor was at *Pompoſo*, near to *Ravenna*, and a great deal of Time was ſpent in ſending Meſſengers on every Incident that happen'd, and waiting their Return; therefore, at the Requeſt of the Chancellor, and the reſt of the Emperor's Ambaſſadors, the Pope conſented that *Frederick* ſhould come to *Chiozza*, a Place diſtant only Fifteen Miles from *Venice*, and that without his Liberty he ſhould come no nearer. But *Frederick* was no ſooner arriv'd at *Chiozza*, than ſome of the Populace of *Venice* went to wait upon him, and tell him not to delay to come to the City, becauſe by his Preſence the Peace would be concluded to his Advantage, and they would do their utmoſt to let him in.

IN the mean time the Pope had ſent his Legates to *Chiozza*, to tell the Emperor, that if he was reſolv'd to make a Truce for Six Years with the *Lombards*, and for Fifteen with King *William*, they would take his Oath, and then with his Bleſſing he might come to *Venice*. But *Frederick*, pleas'd with what the Populace had offer'd him, and waiting till they ſhould perform their Promiſe, pretended that it was a new Propoſal, and requir'd Time to be conſider'd; thus from Day to Day he delay'd giving his Anſwer; ſo that the Cardinals ſuſpecting that the Emperor was hatching ſome Trick, were ſo much puzzled, that they knew not what was fit to be done; and the Populace of *Venice*, reſolving to perform their Promiſe to *Frederick*, aſſembled in the Church of St. *Mark*, mutinied againſt the Doge, and cried out, that it was a ſhameful Thing, to ſuffer the Emperor to be ſcorch'd with the Heat of the Seaſon, tormented with Gnats and Fleas, by not allowing him to enter *Venice*, which Injury would ſtick in his Stomach, and ſome time or other be retaliated upon them and their Children; and therefore the Republick ought immediately to invite him to come, and they would have it ſo; the Mob having thus ſpoken with great Boldneſs, the Doge anſwer'd them, that the Senate had ſworn to the Pope, that the Emperor ſhould not be ſuffer'd to enter *Venice* without his Conſent; but this Excuſe not weighing with the Mob, he was forc'd to give way to them, and to ſend ſome of their own Number to tell the Pope, that they had a Mind to bring the Emperor into *Venice*; accordingly they went, and finding the Pope aſleep, without a moment's Delay, irreverently awak'd him, and having inſolently told him their Errand, it was with great Difficulty that the Pope could perſuade them to delay the Emperor's coming till the next Day.

THE News of this Fact was quickly ſpread over all the City, and the *Lombards* and others, who were there negotiating the Peace, afraid, that if the Emperor ſhould come into *Venice* againſt the Pope's Will, he would make them all Priſoners; and now diſtruſting the Faith of the *Venetians*, they all left that City, and went to *Trivigi*. But King *William*'s Ambaſſadors, nothing ſtartled at what had happen'd, went immediately to the Pope, and bid him take Courage and be afraid of nothing, for they had four well arm'd Gallies, with which they would carry him, in ſpite of the *Venetians*, whither he thought fit, and this would be a Warning to him not to truſt to the *Venetian* Faith another Time; then they went to the Doge's Palace, where having found him with a great many *Venetians*, they began to upbraid them with the Favours their Maſter had done them, which did not deſerve ſuch Uſage, and ſaid, if they had known that they were to allow the Emperor to come into their City without the Pope's Leave, they would have return'd to give their Maſter an Account of the Wrong done him, who knew how to do himſelf Juſtice. But the Doge little minded this menacing Speech, though he endeavour'd to ſoften the Ambaſſadors with ſmooth Anſwers, by aſſuring them, that they needed not to be afraid of the Emperor's coming; yet they return'd to their Lodgings in great Wrath, and at parting told the Doge, that they would uſe all Means to get their Maſter to revenge himſelf ſuitably to the Injury done him; and order'd the Gallies to be ready to depart next Morning. This Converſation being told amongſt the *Venetians*, frighted them terribly, for they were afraid that if the Ambaſſadors ſhould go away in ſuch Diſguſt, King *William* would impriſon all the *Venetians* that were in his Dominions. Therefore a great Number of thoſe who had Relations in *Puglia*, in a tumultuous Manner, went to the Doge, and told him, that for pleaſing the Emperor, from whom they reap'd no Advantage, it was not fit to incenſe the Ambaſſadors, and their Maſter King *William*, from whoſe Dominions they drew ſo great Profit, which would indanger both the Lives and Eſtates of their Relations, who were ſettled there; moreover they deſir'd the Doge to let them know, who they were that had adviſ'd to allow the Emperor to come to *Venice*, before he had concluded the Peace with the Pope, that they were ready with their Arms to revenge it.

THE Doge and Senate, finding this obſtinate Reſolution, and fearing that if the Citizens ſhould once take up Arms, the Reſult would be Sedition, ſent ſome Perſons of Diſtinction to beg of the Pope to pardon the Trouble he had met with, and by all means keep *William*'s Ambaſſadors from departing: But theſe ſeeming fix'd in their Reſolutions, notwithſtanding the Intreaties of the Pope and the Doge, occaſion'd, that the next Morning a Proclamation, by order of the Republick, was publiſh'd on the *Rialto*, forbidding the Emperor's coming into the City ſo much as to be mention'd by any Perſon, till the Pope ſhould firſt order it.

AS ſoon as *Frederick* was appriz'd of this at *Chiozza*, ſeeing himſelf diſappointed, he began to ſpeak more favourably of the Peace to the Cardinals that were with him; and beſides, the Chancellor, and the other *German* Barons having told him plainly, that it was neceſſary to make Peace with *Alexander*, and to acknowledge him for lawful Pope; they at laſt perſuaded him to ſend *Henry* Count of *Dieſſa*, with the Cardinals to *Venice*, to promiſe upon Oath, that as ſoon as he ſhould enter the City, he ſhould ſwear and confirm the Truce with the Church, the King of *Sicily*, and the *Lombards*, exactly in the ſame Terms, as it had been ſtipulated by the Deputies of both Parties.

THIS being executed by the Count, the *Venetians*, by order of the Pope, went with Six Gallies to wait on the Emperor, and conducted him to the Monaſtery of St. *Nicolas*, and the next Day *Alexander* hearing of his being come, went with all the Cardinals, King *William*'s Ambaſſadors, and the *Lombard* Deputies, to the Church of St. *Mark*, and ſent three Cardinals to *Frederick*, to abſolve him, and all his Barons from the Cenſures of the Church. Then the Doge, with the Patriarch, accompanied by all the chief Noblemen of *Venice*, went to St. *Nicholas*'s Church, and having taken the Emperor aboard of their Gondolas, in great Pomp, conducted him to St. *Mark*'s Church; where a great Multitude had conven'd to ſee this famous Sight: And *Frederick* as ſoon as he landed, immediately fell down at *Alexander*'s Feet, who was ſitting in his Pontificalibus, amidſt the Cardinals and other Prelates, in the Portico of the Church, and laying aſide the Loftineſs of Imperial Majeſty, he threw off his Mantle, and proſtrated himſelf before him, with his Body extended on the Ground, humbly adoring him: At which Action the Pope being mov'd, with Tears in his Eyes, rais'd him from the Ground, kiſs'd and bleſs'd him; and then the *Germans* ſinging *Te Deum*, they both enter'd the Church; from thence, after having receiv'd the Pope's Benediction, he went to lodge in the Doge's Palace, and the Pope, with his Followers, return'd to his former Lodging.

THUS in the beginning of *Auguſt* of this Year 1177, the Truce betwixt *Frederick* and the *Lombards* for Six Years, and betwixt him and King *William* for Fifteen, was concluded, ratified and ſworn to, not only by *Frederick*, but alſo by the Count of *Dieſſa*, and Twelve Barons of the Empire, in the Name of *Henry* his Son. On the other Side, it was likewiſe ſworn to by the Archbiſhop *Romualdo*, and *Ruggiero* Count of *Andria*, King *William*'s Ambaſſadors, who promis'd that their Maſter ſhould ratify it in two Months Time, and it was alſo ſworn to by Twelve of his Barons: For which end *Frederick* ſent Ambaſſadors to *Sicily*, who arriv'd at *Barletta* the Ninth Day of *Auguſt* this Year 1177, from thence they went to *Palermo*, and were honourably receiv'd by the King, who in his Name deputed *Ruggiero dell' Aquila*, and Eleven other Barons, to fulfil his Oath; and the Deputies of the Cities of *Lombardy* having taken the ſame Oath, the Congreſs broke up, and every one return'd joyfully to their own Lodgings.

THE Peace betwixt the Pope and *Frederick* being thus ſettled, the News of it ſoon reach'd the Anti-pope's Faction, who likewiſe yielding, came and threw themſelves at *Alexander*'s Feet, renounc'd the Schiſm, and were graciouſly receiv'd into his Favour: And *John* Abbot of *Strumi*, the Anti-pope, by his Faction call'd *Calliſtus* III. the Year following 1178, having left *Monte Albano*, whither he had retir'd, came to *Tuſcolo*, whither the Pope had gone from *Venice*, and alſo proſtrated himſelf at his Feet, and ador'd him as true Pope, which put an end to the Schiſm that had laſted for Seventeen Years running; and the Pope created *John*, Archbiſhop and Governor of *Benevento*, where ſoon after he died of Grief.

IN the mean time the Pope and Emperor had left *Venice*, the Emperor, who went firſt, had gone to *Ravenna*, and the Pope being conducted by four *Venetian*

Gallies, landed at *Siponto*, and from thence by the way of *Troja* and *Benevento*, went to *Alagna*: And ſhortly after, being invited by the *Romans*, on the Feaſt of St. *Gregory*, he made his Entry into *Rome*, and was receiv'd with great Pomp. And the Emperor, after a ſhort Stay at *Ravenna*, went to *Lombardy*, and from thence to *Germany*.

THUS ended theſe Tranſactions, which are variouſly reported by the Modern Hiſtorians, and particularly by ſome *Sicilians*, who have ſo ſtuff'd their Volumes with innumerable fabulous Stories, that *Agoſtino Inveges* himſelf, a *Palermitan*, gives no manner of Credit to them. I could find no better Voucher for ſuch Facts, than *Romualdo* Archbiſhop of *Salerno*, of Royal *Norman* Blood, and a Prelate of great Worth, who, as King *William*'s Ambaſſador, was perſonally preſent at all the Tranſactions, and who, in his Chronicle, has tranſmitted them to Poſterity, and deſerves to be more credited than any other Writer on that Subject.

SECT. I.

The Dominion of the Adriatick Sea.

ALL that Story then, of *Alexander*'s going to *Venice* in the ſham Habit of a Pilgrim, is Fabulous; and what is yet more ridiculous, is, that he continued there for a long Time diſguis'd, and ſerv'd as a Cook. And what theſe Writers make *Alexander* ſay to *Frederick*, when he proſtrated himſelf at his Feet, and *Frederick*'s Anſwer, was no leſs abſurd. The Sea-fight, which they have invented betwixt the *Venetian* Fleet, and that fictitious one of the Emperor, who, at that Time, had no Naval Forces, and their having made *Otho* his Son Admiral, who, according to *Sigonius*, could be no more than five Years of Age, and a Thouſand other forg'd Adventures, unhappily maintain'd by *Cornelio Frangipane*, in that *Allegation*, which is now printed in the ſixth Tome of the Works of *P. Paolo* the *Servite*, are all Dreams.

AND what they have written of Pope *Alexander*'s having granted on this Occaſion to the *Venetians*, the Dominion and Keeping of the *Adriatick* Sea, from whence the Solemnity of marrying that Sea every Year on *Aſcenſion* Day, has its Riſe, is no leſs Romantick; as if it had been in *Alexander*'s Power to give the Dominion of the Seas, as other Popes pretended to give that of the Land; ſuch Extravagance is not to be credited of *Alexander*, who was very moderate, and knew very well the Bounds of his Power, and if *Frederick* was averſe to him, and had often Diſputes with him, it was only becauſe he unjuſtly would not acknowledge him to be true Pope; and the Cities of *Lombardy* taking advantage of this Diſcord, gave Riſe to ſo many Quarrels and Miſchiefs wherewith the Church of *Rome* was miſerably afflicted for Seventeen Years.

THIS Truth was well known to that moſt grave Hiſtorian *Guicciardini* [1], who likewiſe writes, that this Grant of *Alexander*'s is not to be found in Hiſtory, nor ſupported by any Teſtimony, but that of ſome *Venetians*, which, being in their own Cauſe, and of ſuch Conſequence to them, deſerves no Credit. But the *Venetians* who are more wiſe, and knowing in the Tranſactions of paſt Times, have even rejected this falſe Opinion of their Country-men, and their famous Divine and Counſellor of State *Fra. Paolo* the *Servite*, in his Treatiſe of the Dominion of the *Adriatick* Sea, has endeavour'd at large to prove, that the *Venetians* are Lords of the Gulf, not by the Grant of *Alexander*, or other Popes or Emperors, but by a Title coetaneous with the Republick, and by the Lawyers call'd *Pro derelicto*; pretending, that the laſt Emperors of the Weſt being diverted by various Undertakings, and wanting Naval Forces to defend the Gulf, abandon'd it, and did not trouble themſelves about the Poſſeſſion of it, whence it came to paſs, that the *Venetians* growing afterwards powerful at Sea, and finding the Gulf without a Maſter, poſſeſs'd themſelves of it, and have ever ſince maintain'd the Dominion of it againſt all Oppoſers.

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[1] Guicc. lib. 8. hiſt. Ital.

BUT allowing the Dominion of the Sea, like that of the Land, to be acquirable, and not repugnant to Nature, as the incomparable *Hugo Grotius* argues at large in his *Mare liberum*; and granting what *John Selden* writes to the contrary in his Book, which in oppoſition to *Grotius*, he intitled *Mare clauſum*; our Forefathers, ſurely on better Grounds, claim'd the Dominion of the *Adriatick* Sea, as belonging to the Kings of *Sicily*, and not to the Republick of *Venice*, by a much better Title than the *Venetians* pretend to; for no Prince ever abandon'd that Gulf, but always had it in his Head to recover it when loſt, as ſoon as he found himſelf able to compaſs it; the *Normans* had conquer'd it from the *Greeks*, who, upon the declining of the Weſtern Empire, were Maſters of all thoſe Gulfs that ſurrounded theſe our Provinces; and 'tis beyond all Controverſy (as is clear from the preceding Hiſtory) that to the Time of *Charles the Great*, the *Greek* Emperors were Maſters of the *Adriatick*, and frequently ſent their Fleets thither, to maintain their Dominion in *Puglia*, againſt the Invaſion of foreign Nations; yea, the *Venetians* often join'd with the *Greeks* againſt *Charles the Great*, and *Pepin* his Son, who were ſeeking to wreſt from them the Dominion of the *Adriatick*; and *Pepin* was once ſo inrag'd againſt the *Venetians* for aſſiſting the *Greeks* with Men and Money, that after having chaſ'd them out of the *Adriatick*, and deſtroy'd their Fleet, he purſu'd them to the very furtheſt Creeks of the Gulf, and took a great Part of their City, which was then made up of many ſmall Iſlands; and the *Venetians* would have been utterly ruin'd, and ſubjected to the Dominion of *Pepin* King of *Italy*, if *Charles the Great*, his Father, had not diſapprov'd of it, given them Peace, and laid the Blame of their Confederacy with the *Greeks* on the Dukes, and not on the *Venetians* [1].

THIS War however prov'd very advantageous to the *Venetians*, for a great Part of thoſe People that liv'd upon the Banks of the many Channels and Shores (which were ſubject to *Venice*, and were Parts and Members of that City) leaving their Habitations, came and ſettled upon Sixty ſmall Iſlands about *Rialto*, which being join'd together by Bridges, in Time became a great and magnificent City, where the ſupreme Authority was lodg'd in the Dukes and Senate.

THE *Normans* having afterwards driven the *Greeks* out of *Sicily*, *Puglia* and *Calabria*, 'tis not to be doubted but our Princes, at their Pleaſure, ſcour'd the *Adriatick* Sea with ſtrong Fleets; for, not to mention a Hundred other Inſtances, in the Year 1071, when the famous Duke *Robert Guiſcard* was invited by his Brother *Roger* to come to his Aſſiſtance, in the Siege of *Palermo*, he, as *Lupus Protoſpata* writes [2], went with a powerful Fleet of 58 Ships, and croſs'd the *Adriatick*. And after all theſe Provinces came under the Dominion of the *Normans*, the famous King *Roger* I. not content with ſuch great and boundleſs Conqueſts, became much more powerful at Sea than the Emperors of the Eaſt themſelves, and carried his victorious Flag not only into *Dalmatia*, *Thrace*, and to the very Gates of *Conſtantinople*; but his powerful Fleet croſs'd over to *Africa*, where he conquer'd both Cities and Provinces. There was not a Prince in the World in his Time, that was ſuperior to him in Naval Forces, with which he had frequent Occaſions to fight againſt thoſe of the Emperor of the Eaſt (who was alſo powerful at Sea) and always came off victorious. His Power at Sea may likewiſe be known, by the many Fleets which he maintain'd; for one Admiral not being ſufficient to have the Charge of them, he was forc'd to make many, over which he put one, who was therefore call'd *Admiratus Admiratorum*; ſuch as *George* of *Antioch*, High Admiral in the Reign of *Roger*, and *Majone* in that of his Son *William*. And ſo great was the Power of theſe *Norman* Kings in thoſe Days at Sea, that there was no Harbour in their Dominions, that (beſides the Provincial Admiral) had not other inferior Officers ſubordinate to the Admirals, whoſe Buſineſs was to overſee the Building and Repairing of the Ships and other Veſſels, and to aſſign them Stations for the Protection and Freedom of Commerce, and Security of the Sea Ports along all the Coaſts of their Dominions; and there being many Harbours on the Coaſt of *Puglia*, which is of the greateſt Extent on the *Adriatick*, (in which the Fleets from *Sicily* were wont to ſhelter themſelves) that Gulf, in the Reigns of *Roger*, the Two *Williams*, and their Succeſſors, was alwas guarded by the Ships and Fleets of theſe Kings; but the Ports moſt frequented in Time of Naval Expeditions, were thoſe of *Veſti*, *Barletta*,

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[1] V. Paul. Emil. de reb. Franc. lib. 3.

[2] Anno 1071. menſe Julii. Dux tranſmeavit Adriatici Maris pelagus, perrexitque Siciliam cum 58 navibus.

Trani, *Biſceglia*, *Molfetta*, *Giovenazzo*, *Bari*, *Mola* and *Monopoli*, beſides thoſe of *Brindiſi*, *Otranto*, *Gallipoli* and *Taranto*, almoſt all in the *Adriatick*; the Pilgrimages to the Holy Land, were often made from the *Adriatick*. The Fleets of the Emperors *Frederick* and *Henry*, ſtopp'd in the Ports of the *Adriatick*; and the Army for *Syria* was tranſported from thence, and in fine, all the Expeditions to *Greece* and the *Levant*, went from this Gulſ.

AND though in the Reigns of the Princes of the Family of *Anjou*, the Power of the Kings of *Sicily* was not ſo great, yet the Two *Charles's* of *Anjou*, and the other Kings of that Race maintain'd powerful Fleets at Sea, inſomuch that they had the Command of that Gulf at their Pleaſure.

IN later Times, and particularly under the Kings of the *Aragon* Family, when our Sea Forces were much decreas'd, and on the contrary, thoſe of the *Venetians* much increas'd; the *Venetians* having the Freedom of the Gulſ, without being diſturb'd by the Fleets of any neighbouring Prince, pretended to the Dominion of it, and took upon them to give Laws to thoſe who navigated it; not to ſuffer arm'd Fleets to enter it; to claim all Prizes taken in it, and that none could carry on Commerce there without their Permiſſion; and by the Weakneſs of the neighbouring Princes, they came to that Height of Boldneſs, as not to ſuffer other Fleets to navigate the Gulſ, inſomuch that to the great Reproach of the *Spaniards*, when *Mary*, the Siſter of King *Philip* IV. was to be married to *Ferdinand* King of *Hungary*, the Emperor's Son, and came to *Naples* with a great Number of Gallies, and a Pomp ſuitable to ſuch great Princes, in order with the ſame *Spaniſh* Fleet to paſs thro' the *Adriatick* for *Trieſte*; the *Venetians*, that it might not incroach upon their pretended Right to that Sea, oppos'd it ſo ſtiffly, as to tell the *Spaniards*, if they would not accept of their Offer, to convoy them with their Fleet, they might depend upon it, that the Queen muſt fight her Way through their Fleet to her Wedding; they were forc'd ſhamefully to ſubmit, and the Queen, by the way of *Abruzzo*, went to *Ancona*, where ſhe was receiv'd by *Antonio Piſani* with Thirteen light Gallies, and landed at *Trieſte*[1]. To this low Paſs were our Sea Forces reduc'd in the Reigns of the late Kings of *Spain*; but with regard to the preceding Ages, and eſpecially the Time of the *Norman* Kings, thoſe of *Sicily*, on better Grounds, could boaſt of the Dominion of that Sea, than the *Venetians*. Whence with us, amongſt the Manuſcripts of the Royal Prerogatives, recorded by *Chioccarelli*[2], we find one of the controverted Points is, whether the Dominion of the *Adriatick* Sea belong'd to the *Venetians*, or to the Kings of *Naples*.

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[1] Nani Hiſtoria Veneta, lib. 8. A. 1630.

[2] Chioc. in Indice, tom. 21. var. 5.

CHAP. II.

The Expedition of the Sicilians *into* Greece. *The Marriage of* Conſtantia *to* Henry *King of* Germany. *The Death of King* William, *and his Laws.*

BUT to return to our *William*, there are very few of this wiſe King's Actions remaining upon Reccord; for Archbiſhop *Romualdo*'s Hiſtory ending here, and there being no other Authors of theſe Times, excepting the Chronicle of the Anonymous Monk of *Caſſino*, which is preſerv'd in *Monte Caſſino*, on which *Camillus Pellegrinus* made ſome Notes; and ſome ſhort Paſſages written by *Riccardo da S. Germano*, *Roberto del Monte*, and *Nicetas* a *Greek* Author; all the other Actions of this glorious King, for the Space of Eleven Years, are almoſt buried in the Darkneſs of Antiquity. Some Things with great Care, have been ſearch'd into by *Capecelatro*, and the moſt accurate *Inveges*, whom we ſhall follow as the beſt Vouchers.

IN the mean time Pope *Alexander* being fix'd in *Rome*, reſolv'd in ſome meaſure to remedy the by-paſt Diſorders, for which end, in the following Year 1179, according to the Anonymous Monk of *Caſſino*, and *Pellegrinus*[1], he conven'd a Council in the *Lateran* Church, wherein were preſent Three hundred Biſhops, beſides Abbots, and a great number of other Prelates[2]. In this Council many Hereſies that had crept in amongſt Chriſtians, were condemn'd: Many Decrees were made for ſuppreſſing the Covetouſneſs of thoſe, who lent Money upon Uſury, by fixing lawful Intereſt; and many others for remedying the late Confuſions in the Church of *Rome*.

BUT the next Year 1180, *Alexander* bent his Thoughts upon a more glorious Enterprize: He wrote to all Chriſtian Princes, Biſhops and Prelates of the Church, exhorting them to go to *Paleſtine*, and recover the Holy Land from *Saladin* the *Soldan* of *Babylon*, a wiſe and gallant Prince, who had ſucceeded his Father *Saracon*, and was oppoſing the Chriſtians of theſe Parts. *Henry* King of *England*, and *Philip* King of *France*, firſt prepar'd great and numerous Armies for this Expedition; but *Alexander*, who, to his Praiſe, had mov'd the Chriſtian Princes to this Undertaking, did not ſee it put in Execution, for about the End of the following Year 1181, in the Month of *September*, he died in *Rome*, after he had been Pope for Twenty-two Years. He was ſucceeded by *Ubaldo da Lucca*, Cardinal of *Oſtia*, who took the Name of *Lucius* III.

THE Emperor *Emanuel* had died a little before in *Conſtantinople*, and was ſucceeded by *Alexius* his Son. In the mean Time our *William*, for Reaſons recorded by *Roberto del Monte*[3], having made a Truce for Ten Years with the King of *Morocco*, in the Year 1183, came from *Palermo* to our Provinces, where he viſited *Monte Caſſino*, and by the Way of St. *Germano* and *Capua*, return'd to *Palermo*[4].

ABOUT this Time was born in *Aſſiſi*, a City of *Umbria*, *Francis*, whoſe Father was *Pietro Bernardone*, a Man of a mean Condition; this *Francis* acquir'd the Fame of a great Saint, and founded the Order of *Minor Friars*, which prov'd ſo prolifick a Plant, that in proceſs of Time it fill'd our Kingdom with ſo many

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[1] Pellegr. in Caſtig. ad Anon. Caſſin. A. 1179.

[2] Guliel. Tirio lib. 21. cap. 26.

[3] Robert. de Monte ad ann. 1180.

[4] Pell. ad Caſt. Anon. Caſſin. anno 1183.

Monaſteries of that Order, that their Number was not inferior to that of the Order of S. *Benedict*, of which we ſhall have Occaſion to diſcourſe, when we come to treat of the Eccleſiaſtical Polity of this Century.

SHORTLY after, this ſame Year 1183. Queen *Margaret* died in *Palermo*, who being a Lady of great Wiſdom, had had a large Share in the Government of the Kingdom, both during the Reign of her Husband, and that of her Son. She was by the Order of *William* buried with great Pomp in the Church of *Monreale*, lately built by him, cloſe by her two Sons *Roger* and *Henry*. She was a Lady of extraordinary Piety, for ſhe not only founded an Abbey on the Skirts of Mount *Etna*, but inrich'd it with many Poſſeſſions, and gave it to the Monks of S. *Benedict*; ſhe alſo gave a kind Reception to the Adherents of *Thomas* Archbiſhop of *Canterbury*, who had been baniſh'd by the King of *England*.

IN the mean Time *Saladin* bore hard upon the Chriſtians in *Paleſtine*, and with continual Wars had reduc'd them to a very miſerable Condition; whereupon *Baldwin*, and the other Princes that were there, ſent the Patriarch of *Jeruſalem*, the Archbiſhop of *Tyre*, and other Ambaſſadors to *Rome*, to ſollicit a ſudden and powerful Aſſiſtance againſt ſo cruel an Enemy. The Ambaſſadors were kindly receiv'd by Pope *Lucius*, who ſent them to *Henry* King of *England*, and *Philip* King of *France*, who, together with *William* King of *Scotland*, and many great Lords and Barons of *France* and *England*, took upon them the Croſs, and made every Thing ready for a Voyage to *Syria*. But while the Pope was daily preſſing their Departure, he was ſeiz'd with a ſevere Sickneſs, and died in *Verona* the 7th of *December* in the Year 1185, and was honourably buried in the Cathedral of that City, and quickly ſucceeded by *Lamberto Crivello*, a *Milaneſe*, who call'd himſelf *Urban* III.

MEAN while great Inſurrections and Tumults happen'd in *Conſtantinople* againſt the *Latin* Inhabitants, by the Means of *Andronicus the Tyrant*, who reſolving to deprive *Alexis* of the Empire, enter'd the City with an Army, furiouſly attack'd the *Latins*, and with Fire and Sword, ſparing neither Age nor Sex, he cruelly burnt them, together with their Habitations; and the Churches, Prieſts and Monks had the ſame Fate. This cruel and barbarous Uſage of the *Latins* excited our *William*'s Reſentment; for the Tyrant, not content with theſe Barbarities, had caus'd the Youth *Alexis* to be ſtrangled with a Bow-ſtring, and had taken Poſſeſſion of the Empire; therefore *William*, this Year 1185, aſſembled a great Army in *Sicily*, of which he appointed Count *Tancred* General, who was afterward the fourth King of *Sicily*, and ſent it againſt the *Greeks*, in a Fleet commanded by *Margaritone* his Admiral, who took and pillag'd *Durazzo*, *Theſſalonica*, and many other Places, where the inrag'd *Sicilians* committed all manner of Cruelty, without regard to any Thing, *Andronicus* not daring to come out to oppoſe them, and put a Stop to ſo much Miſchief. The *Greeks* ſeeing themſelves ſo barbarouſly treated by the *Sicilians*, and that *Andronicus* did not ſeem to be much concern'd about their Miſeries, began to hate him to that pitch, that they rais'd a Mutiny in *Conſtantinople*, and immediately depos'd him; and the incens'd Mob, who never ſtop till they have gone to the utmoſt Exceſs, not content with having depos'd him, flew upon him, and put him to a ſhameful and cruel Death. *Iſachius Angelus* immediately took Poſſeſſion of the Empire, and having aſſembled the *Greek* Forces the beſt way he could, attack'd the *Sicilians* with ſuch Fury, that, according to *Nicetas Coniata*, a *Greek* Writer, he put them to flight, and drove them out of *Greece*.

BUT the Want of Children very much afflicted King *William*; for being now nine Years married to Queen *Joan*, and ſhe ſtill barren, he began ſeriouſly to think of the Miſchiefs his Kingdom would be expos'd to after his Death, if before-hand he did not provide a Succeſſor. There was no lawful Iſſue of the *Norman* Kings left, but *Conſtantia* the poſthumous Daughter of his Grandfather King *Roger*; as for *Tancred*, whom many Years before he had recall'd from *Greece*, and inveſted with the County of *Lecce*, which belong'd to *Robert* his Mother's Father, he made no account of him, but look'd upon him as a Baſtard, tho' he was the Grandſon of *Roger*; yet, as we have ſaid, was not born in lawful Wedlock. Therefore this Princeſs was courted by many; and *Sigonius* ſays, that this ſame Year 1185, the Emperor *Frederick*, who in the Year 1177. had enter'd into a fifteen Years Truce with *William*, ſent to demand her in Marriage for his Son *Henry* King of *Germany*. *William*, who had loſt all Hopes of having Children, and being advis'd by *Gualtieri* Archbiſhop of *Palermo*, conſented to the Match; the Archbiſhop hatching Miſchief againſt *Matteo* Vice-Chancellor of *Sicily*, by whoſe Means the Church of *Monreale* had been ſubſtracted from his Juriſdiction by King *William*, as we have ſaid, thought this would be the only way whereby he might be able to cruſh *Matteo* his Rival, as *Riccardo da S. Germano* obſerves; for the Dominion of the Kingdom being to go to another Family with *Conſtantia*, it was his Buſineſs to have the Marriage, already agreed to, concluded with *Henry* of *Suevia*, King of *Germany*, who when he ſhould come to be King of *Sicily*, would be thankful to him for the Favour, and turn out *Matteo*. In a Word, he brought Matters ſo about, that at laſt he got *William* to conclude the Marriage with *Henry*; and this Year 1186, being 32 Years of Age, ſhe was conducted from *Palermo* to *Milan*, where *Henry* was, and where the Marriage was celebrated with great Pomp and Magnificence.

BUT this being a Piece of Hiſtory which the Modern Hiſtorians have intermix'd with many Fables, in order to ſet it in a true Light, it will be proper to diſcover all their Errors. Some ſay that *Conſtantia* was many Years a Nun in the Monaſtery of *S. Salvatore* in *Palermo*, being put there by her Father *Roger*, by reaſon of a fatal Prophecy of the famous Abbot *Giovachino Calabreſe*, who, while ſhe was yet a Child, ſaid, that on her account there ſhould be a great Fire kindled in *Europe*, that would prove the Ruin of her Family.

OTHERS [1], conſidering that this Story claſh'd with what the Authors of theſe Times with one accord have written, that *Conſtantia* was born after *Roger's* Death, ſo that the Abbot *Giovachino* could prophecy nothing concerning her at *Roger's* Deſire before ſhe was born, ſay, that the Prophecy was made at the Deſire of her Brother *William*, and not of her Father; and that her Brother being afraid of the unlucky Prediction, in order to fruſtrate it, ſhut up the Child in the foreſaid Monaſtery.

BERNARDO GIUSTINIANO [2] Nephew of S. *Laurence*, ſays, that the King married *Conſtantia* to *Henry*, by the Inſtigation and Command of Pope *Alexander* III. whereas *Alexander* died in the Year 1181. S. *Antoninus* Archbiſhop of *Florence* [3], writes, that *Conſtantia* being grown old in the Monaſtery, Pope *Clement* III. in order to exclude *Tancred* from the Succeſſion of the Kingdom, and to gratify *Henry*, caus'd her to be privately taken out of the Monaſtery, and diſpenſing with her Vows, married her to *Henry*, whereas *Clement* III. was not elected Pope till the Year 1188. *Fazzello* commits a greater Blunder, when he ſays, that the Inſtruments and Decrees of Pope *Celeſtine* for diſpenſing with *Conſtantia's* Vows of Virginity, are as yet to be read in the *Roman* Archives, and Publick Decrees; whereas *Celeſtine* was not elected Pope till the Year 1191, and this Pope always ſtood up for *Tancred* in Oppoſition to *Henry*, as we ſhall relate by-and-by. But theſe fabulous Stories deſerve no Credit, ſince the Authors of theſe Times make no mention of ſuch Facts, which they ought not to have conceal'd.

UGONE FALCANDO, having occaſion twice to make mention of *Conſtantia*, one of the Times he ſpeaks of her as being educated and brought up in the Royal Palace, not in a Monaſtery: *Sic & Conſtantia primis a cunabulis in deliciarum tuarum affluentia diutius educata, tuiſque inſtituta doctrinis, & moribus informata, tandem opibus ſuis barbaros ditatura diteſcit.* And in another Place of his Hiſtory, telling, that when the People of *Meſſina* revolted agaimſt *Odone Querello*, and kill'd him, they believ'd that the Chancellor *Parzio's* Faction had a mind to marry *Conſtantia* to *Gaufrido* the Chancellor's Brother, to give him a handle to poſſeſs himſelf of the Kingdom, he ſays, *Et Conſtantiam Rogerii Regis filiam uxorem ducere, inde ſibi dandam occaſionem exiſtimans, ut videretur Regnum Juſtius occupare*; he ſpeaks nothing of her being a Nun, which he ought to have mention'd in both Places, if there had been any ſuch Thing.

THE Abbot *Arnoldo* a contemporary Author, who gives us a particular Account of the pompous and magnificent Celebration of this Marriage in *Milan*, makes not the leaſt mention of theſe Facts. Archbiſhop *Romualdo*, *Nubricenſis*, the Appendix to the Abbot of *Uſperg*, nor Pope *Innocent* in the third Book of his Letters, wherein he frequently mentions *Conſtantia*, ſpeak nothing of her being a Nun; for had it been no more but the Indecency of the Action, and as a Thing not uſual, that a Nun ſhould marry, they were oblig'd to take ſome Notice of it. And 'tis plainly inconſiſtent to ſay, that this Marriage was made with the Pope's Conſent; foraſmuch as the Pope was for *Tancred*'s having the Kingdom; and he was ſo far from diſapproving of the *Sicilians* having crown'd him King, that he preſently gave him the Inveſtiture of it, as ſhall be related.

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[1] Gio. Villani hiſt. 4. c. 19. Franc. Petrarea in lib. Augu. Bocacio de Clar. Mulier. Tolomeo di Luca, Fr. Alberto, Paolo Reggio, Fazzello, Mourolico, S. Antonio Archiv. di Fiorenza, and others, recorded by Inveges Anno 1154 & 1185.

[2] In vita B. Laur. apud Surium in 8 Januarii.

[3] Antonin. par. 3. tit. 19. c. 9.

GOFFREDO DA VITERBO, an Eye-Witneſs, ſpeaking of *Conſtantia*, on account of the Peace made betwixt the Emperor and the *Lombards*, ſays, ſhe was the poſthumous Daughter of her Father, and that ſhe was married to *Henry* at thirty Years of Age: Theſe are his Verſes;

Fit Regis Siculi filia ſponſa ſibi,
Sponſa fuit ſpecioſa nimis, Conſtantia dicta,
Poſthuma poſt patrem materno ventre relicta,
Jamque tricennalis tempore virgo fuit.

And reckoning that *Roger*, according to the Abbot *Roberto* and *Fazzello*, died in the Year 1154, and that ſhe was born after her Father's Death; when ſhe married, ſhe could be no more than Thirty-one Years of Age. And according to *Inveges*, who ſays, that this Marriage was concluded in the Year 1185, ſhe was only Thirty Years old.

AND in fine, *Riccardo da S. Germano*, whoſe Chronicle *Baronius* never ſaw, ſpeaking of this Marriage, ſays plainly, that *Conſtantia* was brought up in the Royal Palace, and not in the Monaſtery of S. *Salvatore*, and makes no mention of her being a Nun; and ſays, that ſhe was married to *Henry* by Means of the Archbiſhop *Gualtieri*, and not of the Pope: Theſe are his Words, *Erat ipſi Regis Amita quædam in Palatio Panormitano, quam idem Rex, de conſilio jam dicti Archiepiſcopi, Henrico Alamannorum Regi filio Federici Romanorum Imperatoris in conjugem tradidit.* Which Author adds, that by the Advice of the ſame Archbiſhop, *Conſtantia* was appointed to be the undoubted Heireſs of the Kingdom of *Sicily*: *Quo etiam procurante factum eſt, ut ad Regis ipſius mandatum, omnes Regni Comites Sacramentum præſtiterint, quod ſi Regem ipſum abſque liberis mori contingerit, amodo de facto Regni tanquam fideles ipſi ſuæ Amitæ tenerentur, & dicto Regi Alemanniæ viro ejus.* Whereupon the King ſent *Conſtantia* from *Palermo* to *Rieti*, accompanied with a great Train of Counts and Barons, where King *Henry*'s Ambaſſadors with great Pomp receiv'd her, and conducted her to *Milan*, where ſhe was receiv'd by the Emperor *Frederick* her Father-in-Law, and the Marriage was celebrated with great Splendor in the Gardens of S. *Ambroſe* this Year 1186.

WILLIAM having thus concluded this Marriage with *Henry*, believ'd he had brought his Kingdom to a ſettled State; but it was ſoon diſturb'd by the unhappy News of *Saladin*'s Succeſs in *Syria*; for having aſſembled a vaſt Army, he took the City of *Tiberias* in a trice, and then attack'd the Chriſtian Army, which he defeated, and put to Flight, and made himſelf Maſter of the Holy Wood of the Croſs. He made the King of *Jeruſalem* Priſoner, and kill'd a great many of the Knights Templars and Hoſpitalers, and many Soldiers: *Fr. Terrico* Great Maſter of the *Templars*, the Count of *Tripoli*, and *Rinaldo da Sidone*, with a few Soldiers, eſcap'd with Difficulty by flight. By this Victory the *Soldan* was enabled to take *Arcon*, *Cæſarea*, *Nazareth*, *Bethlehem*, and all the neighbouring Places, and lay cloſe Siege to the City of *Tyre*; and ſoon after having divided his Army, he march'd with a good Body of it to the Holy City of *Jeruſalem*, which he took the fourth Day of *October* 1187. Such are the unſpeakable Judgments of God; this City, which with ſo much Glory was reliev'd from the ſhameful Slavery of the Infidels by *Godfrey* of *Boulogn*, and other illuſtrious *Italian*, *German*, and *French* Captains, now, after the Space of Eighty-ſeven Years, returns again into the Hands of the Barbarians, without Hopes of ever being freed from their grievous and cruel Dominion.

THE Calamities of the Eaſt did not end here, but, to the great Detriment of the Chriſtians, *Saladin* enter'd into a League with *Iſachius Angelus* Emperor of *Conſtantinople*, who having got in a Preſent from *Saladin* all the Land of Promiſe, ingag'd to aſſiſt him in the War with a hundred Gallies, and to ſtop all the *Latins* in their Paſſage to make War in *Syria*; Pope *Urban* upon hearing the fatal News of the Loſs of *Chriſt*'s Sepulchre, and the Holy Wood of the Croſs, of the taking of

Jeruſalem, and of *Soliman*'s League with the Emperor of *Conſtantinople*, was ſo grievouſly afflicted, that theſe Things ſhould have happen'd in his Time, that he was ſeiz'd with a violent Sickneſs, of which in a few Days he died in *Ferrara* the 16th of *November* [1], exactly forty Days after the taking of *Jeruſalem*; and the next Day *Alberto* Cardinal *di S. Lorenzo* in *Lucina*, and Chancellor of the Holy Church, born in *Benevento* of the Family of *Morra*, was created Pope, and took the Name of *Gregory* VIII. This moſt religious Pope did nothing during his ſhort Reign, but ſollicite the Chriſtian Princes to go to *Paleſtine* with a ſtrong Army to aſſiſt the Chriſtians; and while he was intent on ſo commendable a Work, he died in *Piſa*, having govern'd the Church not quite two Months; and twenty Days after his Death, in the ſame City, *Paolino Scolari* a *Roman*, of mean Parentage, Cardinal of *Paleſtine*, was elected Pope, and took the Name of *Clement* III.

THIS Pope, following the Footſteps of his Predeceſſors, wrought ſo effectually to get Relief ſent to the Holy Land, by confirming the Indulgences granted for that end by Pope *Gregory*, that thereby, and his own Diligence, and that of *William* Archbiſhop of *Tyre*, who had gone to *France*, an Aſſembly met betwixt *Giſors* and *Trie*, in which were preſent *Philip* King of *France*, *Henry* King of *England*, with the Prelates and Barons of their Kingdoms, and *Philip* Count of *Flanders*, who having taken the Croſs from the Hands of the Archbiſhop of *Tyre*, in the Year 1188. they ſet out upon ſo holy and glorious an Expedition; and for a Mark of Diſtinction among themſelves, King *Philip* and his *Frenchmen* wore a Red Croſs, and *Henry* and his *Engliſhmen* a White, and Count *Philip* with his *Flemiſh* took a Green. The Emperor *Frederick* no leſs willing to ſhew his Piety on this Occaſion, was reconcil'd with the Pope, with whom he had had ſome Difference, and from the Hands of *Henry* Cardinal of *Albano* took the Croſs, in order to go to *Paleſtine*, and made ſuch Diſpatch, that he was the firſt that went thither.

IT ought not to ſeem ſtrange, that among ſo many Princes exhorted by the Popes to go to *Jeruſalem*, our King *William* is not ſo much as mention'd, who, on account of the Richneſs of his Dominions, and their Vicinity to *Greece*, with which they had frequent Communication, and eſpecially his powerful Sea Forces, was beſt enabled of all other Princes to go upon this Expedition; but (as Archbiſhop *Romualdo*, ſpeaking of him to the Emperor at *Venice*, ſaid) he was continually employ'd in ſo laudable a Work, by aſſiſting with his Gallies the Pilgrims going to the Holy Sepulchre, and ſending Relief to the Faithful, who were fighting there; ſo that there was no occaſion to preſs him to a Work which was his conſtant Employment.

ON this Occaſion 'tis ſaid, that *Frederick*, before he went to *Paleſtine*, wrote that threatning Letter, full of ſerious and weighty Expreſſions, to *Saladin*, commanding him immediately to reſtore the Places unjuſtly poſſeſs'd by him in *Syria*; and that *Saladin*, with the like Haughtineſs, anſwer'd all the Boaſts and Menaces wherewith his Letter was ſtuff'd, mocking both him and his Confederates. Both which Letters may be read in the Annals of *England*, written by *Roger* and *Mathew Paris*, and likewiſe inſerted by *Capecelatro* in his Hiſtory of the *Norman* Kings. Whatever Truth may be in theſe Letters, 'tis certain, that the Emperor having aſſembled an Army of a Hundred and fifty thouſand Men, and a Fleet of Fifty-five Ships, the Year following ſet out for the Holy Land, but through the Treachery of the *Greek* Emperor (who, beſides the League made with *Saladin*, was afraid that *Frederick*, by pretending to go to *Paleſtine*, might have a Deſign to take *Conſtantinople*, as had been falſly foretold by *Doſitheus* the Monk) he was a whole Year in getting thither, having ſuffer'd grievous Hardſhips and Obſtacles in paſſing through *Greece*, by the wonted Rapacity and Treachery of the *Greeks*.

BUT behold, a new, and unexpected Misfortune put *William*'s Dominions in a terrible Convulſion and Diſorder. This Prince, being ſcarcely come to the Age of Maturity, and who had govern'd his Dominions with ſo much Prudence and Juſtice, was ſeiz'd with a grievous Sickneſs in *Palermo*, in the Flower of his Age, not as yet Thirty-ſix Years compleat, and died in the Month of *November* this Year 1189 [2], after he had reign'd Twenty-three Years. He was buried with great Pomp in the

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[1] Inveges *makes him die the 20th of* October 1187.

[2] Riccardo da S. Germano *fixes his Death in this Year, where he begins his Chronicle.* A tempore quo Gulielmus Rex Siciliæ obiit. Pontificatus Clem. Anno 2. *And* Gulielmus Neobrigenſis Anglus *likewiſe writes*, Guliel. Siciliæ Rex mortuus eſt Anno 1189.

Church of *Monreale*, at the Foot of his Father's Tomb. 'Tis not poſſible to expreſs the Grief of his Subjects, who by his many and excellent Virtues had enjoy'd Peace and Plenty. Every Man was at liberty to ſpeak his Mind freely. The Taxes were not exorbitant, as in the Time of King *William* his Father; inſomuch that not only *Frederick* II. but in later Times *Charles* II. of *Anjou*, in ſettling Peace and Tranquility in their Dominions, order'd that they ſhould not be burden'd with Taxes, but be as eaſy in that Reſpect as they were in the Reign of this good King *William*. He not only exceeded in tranſcendent Virtues all the Kings of his Time, but likewiſe *Robert Guiſcard*, and *Roger* his Grandfathers, Princes of great Renown. He, was according to *Riccardo da S. Germano*, the Flower of Kings, the Glory of Princes, the Mirror of the *Romans*, the Honour of the Nobility, the Support of Friends, the Terror of Enemies; the Life and Soul of the People; the Protector of the Poor and Strangers, and the Sanctuary of the Oppreſſed. His Reign was remarkable for the Regard that was had to the Laws and Juſtice; every Body was ſatisfied with his Lot, there was Peace and Security every where, the Traveller was not afraid of Robbers, nor the Seafaring Man of Pirates. But his Death proved very fatal and lamentable to his Dominions; for in the Reign of his Succeſſor, *Henry* of *Suevia*, they ſuffer'd infinite Calamities, which ſerv'd as ſo many Foils to *William*'s happy Reign. He having had no Children by *Joan* Daughter of *Henry* King of *England*, left his Aunt *Conſtantia* his Succeſſor [1], to whom, and her Huſband *Henry*, he had made the Barons take an Oath in an Aſſembly held for that Purpoſe in *Troja* of *Puglia*.

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[1] Roger Hovenden in Annal. Anglic. apud Baron.

SECT. I.

The Laws of King WILLIAM II.

ALTHO' *Pietro delle Vigne* has left us but few Laws of this Prince, in the Collection of our Conſtitutions, which he made by *Frederick*'s Order, yet they are all good and prudent.

THE Firſt is that which we read in the firſt Book under the Title *De Uſurariis puniendis*, wherein he commands, that Points relating to Uſurious Contracts ſhall be decided according to the Decrees lately made in *Rome* by Pope *Alexander* in the *Lateran* Council; ſo that this Conſtitution is not *William* I's but II's. as we have already obſerv'd in treating of his Father's Laws.

THE Second, which we find in the ſame Book under the Title *Ubi Clericus in Maleficiis debeat conveniri*, is the ſame *William*'s. It was, as we have ſaid, made at the Deſire of the Archbiſhop of *Palermo*, by which he orders the Crimes of Eccleſiaſticks, with regard to their Perſons, to be judg'd by their Ordinaries according to the Canons and Canon Law, excepting the Crimes of Felony and ſuch like, which are to be judg'd by the King and his High Court.

THE Third and laſt of that King's Laws, is that which we read in the third Book, under the Title *De Adulteriis coercendis*. This was likewiſe made by *William* at the Requeſt of the Archbiſhop of *Palermo*. By it the Cognizance of the Crime of Adultery, if no Violence was us'd, is likewiſe referr'd to the Ordinary of the Place; which for a long Time was in Force, and obſerv'd in both the Kingdoms of *Sicily*; and in the Reign of *Conſtantia* we have a Writ, recorded by *Ughellus*, by which ſhe orders the ſame. But in proceſs of Time it has been diſus'd and laid aſide; and now, with us, the Crime of Adultery, whether by Violence or otherwiſe, is judg'd by the Secular Judges, and the Eccleſiaſticks are not to look upon it as a Crime belonging to a *Forum mixtum*, as ſhall be ſhewn more at large, when we come to treat of the Eccleſiaſtical Polity of the later Ages.

THESE are the few Laws which are left us of this wiſe and good Prince, in whoſe Reign the Laws of *Juſtinian*'s Pandects were of no Force or Authority, but the *Longobard* prevail'd, and Law Suits were decided according to them in the Courts of Juſtice. The moſt accurate *Pellegrinus* has left us a notable Inſtance of this, which he had dug out of the Rubbiſh of Antiquity, to wit, the Inſtrument of a Sentence given in the Time of this *William* in the Year 1171, in a Diſpute betwixt the Citizens of *Seſſa*, and the Biſhop and Citizens of *Teano*, about a Water-gang; which was decided in Favour of the Citizens of *Seſſa*, according to the *Longobard* Laws, which *Pellegrinus* took the Trouble to mark on the Margin.

THE Death of *William* was ſoon after follow'd by that of the Emperor *Frederick*, who, after he had ſurmounted ſo many Obſtacles thrown in his Way by the *Greeks*, and fought and defeated the *Turks* in many Engagements, took by Storm, and gave up to be plunder'd, the City of *Iconium*; but being come to the leſſer *Armenia*, and incamp'd on a *Saturday* in the Evening in a Place call'd *Jaradine*, the *Sunday* following, the fourth of *June*, he continu'd his March towards the River *Calep*, whither with great Difficulty in croſſing terrible high Mountains, he reach'd that Day; and after he had din'd upon the Bank of the River, in a pleaſant Valley, tir'd with the Trouble of continual Battles, and a whole Month's March, he had a Mind to refreſh himſelf a little by bathing and ſwimming in the River; therefore he ſtrip'd himſelf naked and went into the River, which was both deep and rapid, and was unfortunately drown'd; his Body was taken up, and carried to *Germany*, where he was buried with his Anceſtors. But the Archbiſhop of *Tyre*, follow'd by *Sanſovino* [1], gives a more probable Account of his Death; that in paſſing this River *Frederick*'s Horſe ſtumbled, and he being old and unweildy, was ſtunn'd with the Fall, but was catch'd hold of by his Servants, and carried aſhore, where he ſoon died, and was buried in *Tyre*: 'Tis very unlikely that an Emperor ſtricken in Years, would indecently ſtrip and throw himſelf into the River, and run the Hazard of being drown'd.

THUS died this glorious Prince, whoſe Death was a great Loſs to the Chriſtians of *Paleſtine*, and our Religion in thoſe Parts; and here we ſee how incomprehenſible the Judgments of God are; for as he had already begun by a ſucceſsful Courſe of Victories, ſo he not only would have compleated the Recovery of all thoſe Places, which *Saladin* had lately taken, but alſo have carried the Chriſtian Religion to more remote Countries where the Croſs of Chriſt was not known; but being a Supporter of the Schiſm againſt *Alexander* III. and a Perſecutor of the other Popes, he became a Nuiſance to the Church of God, and by a fatal and untimely Death, was ſnatch'd from the Faithful, even when he was engag'd in this Expedition, ſo pious and ſerviceable to the Chriſtian Cauſe.

FREDERICK, (laying aſide that Whim of his being Lord of the Univerſe, as the ancient *Roman* Emperors fancied themſelves to be, which was owing to our Lawyers, and made his Government ſeem grievous and uneaſy to the Cities of *Lombardy*, and the Popes) was a great and gallant Prince, and a Lover of Learning, and the learned Men of his Time. Whence the Study of the Law was then ſo much in Vogue, and ſo many Civilians appear'd in *Italy*, that being taken with the Novelty and Elegancy of the Pandects, and the other Books of *Juſtinian*, they began to explain them in the Academies; and *Ulricus Uberus* [2] writes, that *Frederick Barbaroſſa* was the firſt who not only granted to the Academies, Power to take Cognizance of the Cauſes, but likewiſe a Juriſdiction and Power over their Members and Students. And he had the Civilians in ſo great Eſteem, that in imitation of the ancient *Roman* Emperors, he conſulted them in his moſt weighty Affairs, and made them of his Council, and frequently made them Governors and Conſuls of many Cities of *Italy*.

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[1] Sanſovino delle coſe di Conſtantinopoli, lib. 5. Nicetas Coniates fol. 74. a ter.

[2] Ulric. Uber. lib. 3. de Jur. Civit. c. 3.

[3] Auth. habita, C. ne filius pro patre.

CHAP. III.

Of the Compilers of the Feodal Books, and of their Commentators.

AT this Time was made by the Civilians of *Milan* that Collection of the Feodal Books, which in proceſs of Time acquir'd ſo much Authority and Force in *Europe*, and all the Academies and Tribunals in the Chriſtian World, that it was look'd upon as a Part of the Civil Law: theſe Feodal Books, which, with the *Novellæ* of *Juſtinian*, make up what is now call'd *Decima Collatio*, were added to the *Roman* Laws; not that they are truly a Body of the Civil Law, as *Giaſone*, *Bartolus*, and ſome others of our Doctors thought them to be, for which *Molineus* has cenſur'd them [1]; but becauſe their Authority was ſo great, that they deſerv'd to be put on a Level with the *Roman* Civil Law.

BUT ſeeing this Part of the Law has not been handled by our Writers with that Care it deſerv'd, foraſmuch as an infinite Number of Diſputes have ariſen among them on that Head, by not knowing how to diſtinguiſh the Times when theſe Books acquir'd the Force of Laws in theſe our Provinces; therefore it will be neceſſary to handle this Subject in this Place, with all the Exactneſs our weak Parts are capable of, and to give an Account of the Fate of theſe Books in the latter Ages, and finiſh what we have to ſay on this Head.

IT may be eaſily gathered from the preceding Books of this Hiſtory, that after Fiefs were introduc'd into *Italy*, there were no written Laws concerning them before *Conrade the Salick*. They were regulated according to the Uſages and Cuſtoms of the Places; and ſeeing, as in other Things, the Cuſtoms of the Places were various and different, ſo it happen'd with reſpect to Fiefs, that in one Place of *Italy* they were regulated one way, and in another after a different manner. Thus in *Cremona*, *Pavia*, and *Milan*, a Vaſſal could alienate his Fief without the Conſent of his Lord, but in *Mantua*, *Verona*, and ſome other Places they could not do ſo without the Conſent of their Superior [2].

IN *Placentia*, if a Superior gave Inveſtiture of a Fief to one, with this Condition, that it ſhould deſcend to his Succeſſor, during the Vaſſal's Life he could not inveſt another with the ſame Fief; but the Practice was different in *Cremona* and *Milan*.

IN the Kingdoms of *Sicily* and *Puglia*, our Kings had particular Cuſtoms relating to Fiefs, different from thoſe of the Cities of *Lombardy*. Theſe Cuſtoms were ſet down in certain Books, which, by a corrupt Word, were call'd *Defetarii*, and were kept by the King in his Palace; and when *Palermo* mutinied in the Time of *William* I. and the Royal Palace was plunder'd, among other Loſſes which *William* lamented, that of theſe Books was one; and becauſe *Matteo Notajo* was moſt expert in theſe Books, and had them almoſt all by Heart, among other Reaſons that brought him out of Priſon, one was, that he being well skill'd in the Affairs of the Court, and the Royal Chamber, he could eaſily make up the Loſs of theſe Books, in which, as *Falcando* ſays, *Terrarum, Feudorumque diſtinctiones, ritus, & inſtituta Curiæ continebantur*; which he actually did. And *Inveges* [3], from the Authority of the ſame *Falcando* relates, that King *William* I's Favourites, who manag'd the Affairs of his Court, ſuch as *Riccardo* Elect Biſhop of *Syracuſe*, *Silveſtro* Count of

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[1] Molin. ad Conſuet. Pariſ. tit. de Fiefs, num. 24.

[2] Cujac. lib. 1. de Feud.

[3] Inveges Anno 1162. hiſt. Palerm. tom. 3.

Marſi, and *Errico Ariſtippo* Archdeacon of *Catania*, being ignorant of the Diſtinction of the Lands, Fiefs, Uſages, and Inſtitutes of the Court, and of the Books of the Feodal Cuſtoms, which were call'd *Deſetarii*, all which were now loſt, perſuaded the King to take *Matteo Notajo* out of Priſon, and reſtore him to his former Office; for he being Old, and having always been a Favourite of, and Aſſiſtant to *Majone*, had great Skill in the Cuſtoms of the Kingdom, and could compoſe *novos Deſetarios*.

AND in this manner had they gone on in the Cities of *Lombardy*, and the Kingdoms of *Sicily* and *Puglia* till the Time of *Frederick* I. To theſe Cuſtoms *Conrade the Salick*, and other Emperors, added Conſtitutions of their own concerning Fiefs, as we have formerly obſerv'd, which were not as yet collected into a certain Volume. Therefore in the Time of *Frederick*, ſome Lawyers of *Milan*, without any Command, reſolv'd to collect theſe Cuſtoms and Conſtitutions, in order to tranſmit them to Poſterity; and having, though confuſedly, collected the Uſages of diverſe Cities of *Lombardy*, they at firſt made up two Books of them; to which, according as theſe Cuſtoms came either to be approv'd of, or inlarg'd, or retrench'd by Imperial Conſtitutions down to their Time, they added the Heads and Contents of them, with their own Interpretations; but not the intire Conſtitutions.

AUTHORS differ about the Names of theſe Lawyers. Before *Cujacius* our Writers commonly believ'd that *Oberto de Orto*, Attorney General and Conſul of *Milan*[1], was Author of this Collection, who, with the Aſſiſtance of *Gerardo del Negro*, alias *Capagiſto*, likewiſe Conſul of *Milan*, and a notable Lawyer, undertook this Work.

BUT the incomparable *Cujacius* has very well prov'd that *Oberto* was not the Author of the firſt Book, for in it we find ſome Opinions that diſpleas'd *Oberto*, and which he rejected. And becauſe thoſe Opinions are attributed to *Gerardo del Negro*, *Cujacius* takes him to be the Author of the firſt Book, and not *Oberto*. Some, and among the reſt *Montanus*[2], not ſatisfied with *Cujacius*'s Conjecture, maintain, that though *Gerardo*, or whatever Anonymous Perſon was Author of the firſt, yet 'tis certain that *Oberto* was Author of the ſecond Book, which he compil'd for the private Inſtruction of his Son *Anſelmo*.

BUT ſeeing this ſecond Book, according to the antient Diviſion, contain'd not only the Opinions of *Oberto*, but alſo of other Lawyers of theſe Times, which were contrary to thoſe of *Oberto*, 'tis not credible that *Oberto* was the ſole Author of all that Book; for which Cauſe we are much indebted to the Induſtry and great Care of *Cujacius*, who, to remove that Confuſion, has divided it into more Books. Our antient Lawyers had ſome Thoughts of doing the ſame, but they forbore to do it, leſt it ſhould occaſion Confuſion in the Citations; for ſeeing this Work was divided into two diſtinct Books, the Citations would not have anſwer'd, if it had been divided into more.

BUT ſo trifling a Reaſon did not weigh with *Cujacius*, who very prudently divided the Second into four Books. Thus according to this Diviſion, the firſt Book is *Gerardo*'s; the Second, to the Twenty-fifth Title, is *Oberto*'s. The reſt of the Titles are divided into two other Books; the third Book begins from Title 23, where, *Obertus de Orto, Anſelmo filio ſuo ſalutem.* The Fourth begins from Title 25, *Negotiam tale eſt*, and 'tis clear from this very 25th Title, that it has been compil'd by different and uncertain Authors, in which *Cujacius* and *Montanus* agree. And in the fifth Book, he adds all the Conſtitutions of the Emperors, relating to Fiefs, of which we ſhall have occaſion to diſcourſe hereafter.

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[1] Otho Friſing. de reb. geſt. Frid cap. 12. lib. 2. feud. tit. 35. juxta antiq. Compilat.

[2] Montan. in Prælud. feud. ad. L. Imperialem, num. 3.

SECT. I.

Of the Uſe and Authority of theſe Books in our Provinces.

THESE Books compil'd by the *Milaneſe* Lawyers, had not the Force of Laws in our Provinces, nor any other Part of *Europe*, till in proceſs of Time they were authoriz'd by the Cuſtom of the People, rather than by the Conſtitutions of any Prince; and their Authority was never abſolute, excepting in Caſes not repugnant to the particular Laws and Cuſtoms of the Nations.

'TIS very certain, that with us they did not acquire this Authority in the Reign of *William*, nor any of his *Norman* Succeſſors. They were compil'd about the Year 1170, as the moſt accurate *Franceſco d'Andrea* [1] very well proves, and not about the Year 1152, which was the firſt of the Empire of *Frederick* I. according to *Arthur Duck* [2]; when there was a cruel War betwixt our King *William* and *Frederick*; and when all manner of Commerce was ſtopp'd betwixt us and the *Lombards*, on account of the inteſtine War, that from the Time of *Lothaire*, continu'd betwixt our Princes and the Emperors of *Germany*, and which was not at an End, till the Year 1177, when the Fifteen Years Truce, lately mention'd, was concluded betwixt *William* and *Frederick*; and theſe Kingdoms having their proper and peculiar Cuſtoms ſet down in the Books call'd *Deſetarii*, there was no Neceſſity to have recourſe to the *Longobard* Uſages, when they had their own, whereby Fieſs were regulated.

'TIS probable that theſe Books were not known to our Lawyers till after the Year 1187, when *William the Good*, for the Quiet of his Subjects, concluded the Marriage betwixt his Aunt *Conſtantia* and *Henry* King of *Germany*; which remov'd all Ground of Quarrel with the Emperor of the Weſt; but was not ſufficient to prevent more cruel and obſtinate Wars; for after *William's* Death, which ſoon follow'd, the Barons of the Kingdom, who hated *Henry's* Government, becauſe he was a Foreigner, elected *Tancred* to be their King, who got the Inveſtiture of the Kingdom from the Pope, as we ſhall relate. Wherefore we may reaſonably believe, that theſe Books began to be known among us, when *Henry*, in the Year 1194, made himſelf Maſter of the Kingdom by Right of his Wife *Conſtantia*, after having driven out the *Normans*.

THEY were then well known among us; but had not acquir'd any Authority as Laws; nor even when *Frederick* II. his Son publiſh'd his Conſtitutions, which he order'd to be compil'd by *Pietro delle Vigne*; nor when the Pandects and other Books of *Juſtinian*, were, by his Order, read in our Schools (after the Univerſity was reſettled in *Naples*) as they were in other Cities of *Italy*; for our Authors are in a Miſtake, who, on the Authority of *Odofredo* [3], maintain, that theſe Books owe their Authority to *Frederick* II. as the firſt Emperor that approv'd of them, and ſent them to the Profeſſors of Law in *Bologna*, to be read publickly in the Schools, and that he commanded *Ugolino* to make the *Decima Collatio*.

OUR Writers are in the wrong to impute this to *Odofredo*, who never wrote, that *Frederick* ſent the Feodal Books to *Bologna*; and what occaſion was there to ſend them to *Bologna*, ſeeing they had been known in that City for many Years, and the *Bolognians* not only read them, but *Bulgarus* had written his Gloſſes upon them there, where he was a Profeſſor of Law in the Time of *Frederick* I. who made him Prefect of that City? a Man well known in all the other Cities of *Lombardy*, as being a Native of that Country; and many *Italian* Writers before the Time of *Frederick* II. beſides *Bulgarus*, had already begun to comment upon them, ſuch as *Pileus*, and others mention'd by *Arthur Duck* [4], and *Andrea d'Iſernia* [5].

ODOFREDO in the Place quoted, writes only, that *Frederick* II. ſent to the Doctors of *Bologna*, not the Feodal Books; but his own Conſtitutions, and thoſe of the Emperors of the Weſt, after *Juſtinian*, that as *Irnerius* had inſerted in the Code the *Novellæ*, that ſeem'd to be newly added or corrected; ſo theſe Doctors were to do the ſame by theſe Conſtitutions, and to add them to the Code, not to the Feodal Books, under ſuch Titles as ſhould beſt ſuit them; and accordingly they met at St. *Petronio*, and extracted many Things out of theſe Conſtitutions, which they added and adapted to the Laws of the Code under fit Titles: Whence we read in the Code, beſides the *Authenticæ* of *Irnerius*, the *Auth. Caſſa, & irrita, C. de Sacr. Eccl.* taken out of the Conſtitution of the ſame *Frederick*, *de Statut. & Conſuet.* The *Auth. Sacramenta puberum, C. ſi adver. vendit.* taken out of the Conſtitution of *Frederick* I. *de pace tuenda.* The *Auth. habita, C. ne filius pro patre*, taken out of another Conſtitution of the ſame *Frederick* I. *de privil. bonor. art.* and ſome others [6].

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[1] Andr. in diſp. Feud. cap. 2. §. 5.

[2] Arth. de Jur. Feud. lib. 1. cap. 6. num. 5.

[3] Odofr. in Auth. caſſa, C. de Sacroſ. Eccl.

[4] Arthur. lib. 1. cap. 6. num. 13.

[5] Andr. in Prælud. num. 25.

[6] Pancirol. Theſ. var. lect. lib. 1. cap. 90. Auth. omnes peregrini. C. comm. de Succeſſ. Auth. Item quæcunque communitas, & Auth. Statuimus, C. de Epiſc. & Cleric. & alia, quæ poſtea remotæ fuere.

And this was the ſole Charge given by *Frederick* to the Profeſſors of *Bologna.* But *Odofredo* adds, that afterwards *Ugolinus*, one of theſe Profeſſors, out of a Whim of his own, to the Body of *Juſtinian*'s *Novellæ*, already divided into *novem Collationes*, whence it was call'd *Nona Collatio*, added the Feodal Book, and having collected all theſe Conſtitutions of the Emperors concerning Fieſs, inſerted them in that Book, according to the Order they are now in, and which our Foreſathers thereſore call'd *Decima Collatio*; and *Odofredo* likewiſe declares, that in his Time, few had diſpos'd theſe Conſtitutions in the manner *Ugolino* had done.

HENCE thoſe are in a Miſtake, who believe, that *Frederick* II. gave Authority and the Force of Law to the Feodal Books, and that from his Time they had acquir'd ſuch Authority in our Kingdom, and other Dominions: For the moſt part all our beſt Writers have demonſtrated, that they were not receiv'd by any Conſtitution of *Frederick*, or any other Prince; but that it far'd with them as with *Juſtinian*'s Books: All their Authority was owing many Years after to the Uſe and Cuſtom of the People, and the Connivance of Princes, who allow'd them to be publickly taught in the Academies, commented by their Lawyers, and quoted in their Courts of Juſtice; as *Molineus* [1], who is look'd upon as the *Papinian* of *France*, well proves; but yet he cenſures *Odofredo* unjuſtly, as if he had led the reſt into an Error, whereas this Author never ſaid, that *Frederick* gave the Force of Law to theſe Books, nor that *Ugolino* collected them by his Order; as alſo he wrongfully blames *Bartolus* [2], as if he had been the firſt, that had call'd *Ugolino's* Collection, *Decima Collatio.* This Appellation is very antient, and was commonly in uſe more than a Hundred Years before *Bartolus*, who declares ſo himſelf, and that all other Writers call'd it ſo before him.

ITS being call'd the *Decima Collatio*, and in proceſs of Time, by the Cuſtom of the People, geting footing in the Dominions of other Chriſtian Princes, did not gain it ſuch Authority as to be able to overthrow, and derogate from the Inſtitutes, and peculiar Laws of theſe Nations; for it was receiv'd and approv'd of in ſo far only, as it did not claſh with their own Municipal Laws and Cuſtoms. So *Cujacius* atteſts, with regard to the Kingdom of *France*, where theſe Feodal Laws were receiv'd, as they were practis'd in *Italy*; but they were not repugnant to the Laws and Cuſtoms of that Kingdom; juſt ſo as the *Romans* made uſe of the *Rhodian* Laws, which, with reſpect to maritime Affairs they imbrac'd, *Niſi qua in re juri publico Pop. Roman. adverſaretur*, as the Emperor *Antoninus* teſtifies. And in our Kingdom eſpecially, though it was one of the largeſt and moſt famous Parts of *Italy*, this *Collatio* did not take Place, till after *Frederick* had publiſh'd his Conſtitutions, and caus'd them to be collected by *Pietro delle Vigne*, many of which regarded Fieſs, and all Things belonging to them. But *Frederick* did not receive, nor approve of them; but in ſo far as they were not repugnant to the Conſtitutions, or in Matters not provided for, or omitted in the Conſtitutions; ſo that with us the Authority of the Conſtitutions took Place firſt, and then that of the Feodal Books, as was the Caſe of the *Longobard* Laws, with reſpect to *Juſtinian*'s Books; but we obſerve, that after the Conſtitutions were publiſh'd in the Year 1231, there was a great Debate in the High Court amongſt our Lawyers, whether or not theſe Feodal Books had the Force of Laws with us, even in what was not repugnant to our Conſtitutions, as is at length taken notice of in the Gloſs [3]; whence we may gather, that even in theſe Times, it was doubtful, whether theſe Books had acquir'd the Force of Laws, and if that was uncertain, they were not look'd upon to be on a Level with the Laws. And if *Roffredo* [4] *Beneventano*, who flouriſh'd in the Time of *Frederick* II. ſpeaking of theſe Feodal Cuſtoms, ſaid, *Servari in Regno Apuliæ*, it was only becauſe he was of that Opinion, contrary to the Sentiments of the other learn'd Men of the Kingdom; beſides, 'tis not denied, but that in theſe Times they were obſerv'd, not as having the Authority of Laws, but of Reaſon, and in ſo far as they did not claſh with our Conſtitutions.

BUT as that is true, ſo 'tis likewiſe moſt certain, that after *Frederick*'s Time, under his Succeſſors, and eſpecially the Kings of the Family of *Anjou*, it was no longer diſputed, it being evident, that they had acquir'd all their Force and Authority, in ſo far as they were not repugnant to our Conſtitutions; and they acquir'd the ſame in all the other Dominions of *Europe*, with reſpect to their Conſtitutions; and the Popes likewiſe gave them the ſame Force and Authority in their Eccleſiaſtical Tribunals; but in proceſs of Time, the Study of that part of the Juriſprudence was ſo much cultivated and eſteem'd, that ours exceeded all the Lawyers of other Nations, both on this and the other Side of the Mountains; and to this Day our Kingdom boaſts, that the Laws concerning Fiefs never were, nor are yet ſo well underſtood, as by our Lawyers. We have an evident Teſtimony of this in the Diſpute betwixt our *Andrea d'Iſernia* and *Baldus*, who, being call'd to *Naples* by Queen *Joan* I. to a Conſultation with *Andrea*, he expoſ'd his Ignorance ſo much in Feodal Matters, that he loſt his Reputation, and in order to recover it, was forc'd in his old Age, to apply himſelf to that Study [1]. And we have ſeen by Experience, ſince, that the moſt hard and difficult Queſtions that ever could ariſe concerning that Matter, have never been handled ſo ſubtlely, and with ſuch Nicety and Learning, as by our Authors. And no other Nation can boaſt of having had ſo many Writers on that Subject, as the Kingdom of *Naples*.

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[1] Molin. Conſuet. Pariſ. tit. 8. rubr. num. 103.

[2] Bart. in L. ſi quis vi, 17. ſect. differentia, num. 4. D. de adqu. poſſeſſ.

[3] Gloſſ. in Conſtitut. Ut de Succeſſionibus de Succeſſ. Nobil. verb. injuriam nullus, verſ. nec dicant aliqui.

[4] Roff. Benev. in his Quæſt. Sabatina.

[1] V. Card. de Luca de Emphyteuſi, diſc. 70. num. 12.

SECT. II.

Authors, who have illuſtrated the Feodal Books.

THOSE that firſt began to illuſtrate theſe Books were, *Bulgarus*, *Pileus*, *Ugolinus*, *Corradino*, *Vicenzo*, *Goffredo*, and others [1]; but afterwards *Giovanni Colombino* out-ſtripp'd them all, inſomuch that *Jaſon* ſays [2], that none after him had the Boldneſs to comment upon theſe Books.

SOME have taken the Trouble to make Abridgements, and particular Treatiſes concerning Fiefs, and the firſt were *Pileus*, *Giovanni Faſoli*, *Odofredo*, *Rolandino*, the Two *Giovannis*, *Blanſaco* and *Blanco*, *Goffredo*, *Giovanni Lettore*, *Martino Siliмano*, *Giacomo d'Arena*, *Giacomo de Ravanis*, *Oſtienſis*, *Pietro Queſſueal*, and *Giacomo Ardizone*, and afterwards *Zazio*, *Rebuffo*, *Annetone*, *Roſental*, and an infinite Number of modern Authors.

BUT among all thoſe, who have illuſtrated the Feodal Books with ample Commentaries, our Lawyers have excell'd. 'Tis true, *Giacomo di Belviſo* was the firſt; but our *Andrea d'Iſernia*, who, about the End of the Reign of *Charles* II. who died in the Year 1309, wrote ſuch copious Commentaries upon Fiefs, that he not only eclips'd him, but alſo all thoſe that before him had written on that Subject. *Baldo da Perugia*, after he had profeſs'd the Civil Law Forty-ſeven Years, likewiſe wrote Commentaries upon the Feodal Books, and ſhortly after *Giacomo Alvarotto da Padova*, *Giacobino di S. Giorgio*, and *Franceſco Curzio* the Younger, did the ſame; but our *Matteo degli Afflitti* obſcur'd their Fame. He wrote his Commentaries upon theſe Books under *Ferdinand* I. when, for a publick Salary, and with univerſal Applauſe, he was teaching in our Univerſity the whole Feodal Books, with the Commentaries of *Iſernia*, which none other has ventur'd to do, neither before nor ſince; and he began to write his Commentaries in the Year 1475, when he was Thirty-two Years of Age, as he himſelf teſtifies [3]: I take notice of this, to prevent People's being led into a Miſtake by *Camerarius*, as our Writers were, by ſaying that *Afflitto* wrote theſe Commentaries in his extreme old Age, when he could not well underſtand *Iſernia*'s Meaning; a Failing very unjuſtly imputed to this famous Lawyer: For, beſides that he wrote in the Flower of his Age; if he had even written theſe Commentaries when he was Eighty Years old, no Fault could have been found in them. He died in the Year 1523, and was buried in *Naples* in the Church of

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[1] Panciról. Theſ. var. lect. lib. 1. c. 90.

[2] Jaſon. in Prælud. Feud.

[3] Afflit. tit. de Feud. dat. in vim leg. commiſſ. lib. 1. tit. 22. num. 49.

Monte Vergine, where we read on his Tomb, *That tho' he was loaded with Years, yet his Judgment was ſo ſtrong, that he was as capable of writing to the Day of his Death, as ever he had been.* His Domeſticks caus'd the Tomb to be erected, and this Inſcription put upon it, to ſhew the Malice of his Enemies, who repreſented him to the King, as ſo old, that his Judgment had fail'd him, which made the King remove him from the Dignity of Counſellor of St. *Clare*, ſo that he died without the Gown, therefore in his laſt Will, he is not nam'd Counſellor, but ſimply Doctor. And as he exceeded all the Commentators on the Feodal Books, we muſt not here forget the Character which the incomparable *Franceſco d'Andrea* gives him [1], who did not ſtick to ſay, that of all thoſe that wrote Commentaries on Fiefs, both before and after him, few can be compar'd, but none preferr'd to him.

AFTER theſe great Men, ſome others appear'd among us, ſuch as *Camerarius*, *Sigiſmondo Loffredo*, *Pietro Giordano Urſino*, *Bammacario*, *Revertero*, *Piſanello*, *Montano*, and a great many more, of whom it would be troubleſome to make a longer Catalogue; ſo that no other Nation can boaſt of ſo many Writers on Feodal Matters, as the Kingdom of *Naples*.

BUT among the Foreigners, the incomparable *Cujacius* deſerves all Praiſe. He was the firſt that encourag'd this Part of Learning, when others deſpis'd it as barbarous; and whereas formerly it was deform'd and unpoliſh'd, he, with the help of the moſt valuable Books and Writers of theſe Times, gave it a more noble and elegant Dreſs; inſomuch that other learn'd Men, who before ſlighted it as barbarous, became now fond of imploying their Parts upon it, after his Example, ſuch as *Duarenus*, *Hottomannus*, *Ultejus*, and others of noble Genius; whence we now ſee it explain'd and illuſtrated, as well by the Profeſſors of the Civil as of the Feodal Law.

CUJACIUS at firſt increas'd the Feodal Books with Fragments and Chapters, and divided them into Five, as we have already mention'd. Before him *Antonio Minuccio di Prato Vecchio*, a Lawyer of *Bologna*, at the Command of the Emperor *Sigiſmund*, about the Year 1430, had diſpos'd theſe Books into another Form, and divided them into Six, which he offer'd to the Univerſity of *Bologna*, in order to have this his Work confirm'd by *Sigiſmund*; but it does not appear that the Emperor did ſo; for want of which Confirmation, it was not univerſally receiv'd, therefore the Univerſity begg'd anew of the Emperor *Frederick* III. to confirm it, which he did; whence theſe Books came to be read publickly in the Academy of *Bologna*; but they never acquir'd publick Authority: This Work was afterwards publiſh'd by *Joannes Schelterus* [2]. *Cujacius* made another Collection altogether new, which he not only very carefully put into better Order, and reſtor'd the true Reading; but alſo with uncommon Erudition commented upon them, and explain'd their true Meaning. And, above all, he ſwell'd the fifth Book with many Imperial Conſtitutions, which had been neglected by *Ugolino*, and rang'd them into better Order.

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[1] Andr. in diſput. pag. 47.

[2] V. Struv. Hiſt. jur. Feud. cap. 8. ſect. 23.

SECT. III.

Imperial Conſtitutions relating to Fiefs, and Frederick I's *Laws.*

THE firſt who publiſh'd Laws concerning the Succeſſion to Fiefs, as we have often ſaid, was *Conrad the Salique*. *Henry* IV. and *Lothaire* III. made ſome; but of all the Emperors none enacted ſo many as *Frederick Barbaroſſa*; and *Cujacius* ends his Book with this Emperor's Conſtitutions; ſo that tho' in the vulgar Editions we alſo find ſome of *Frederick* II. yet they have nothing to do there; for we have no Conſtitutions of *Frederick* II. as Emperor, concerning Fiefs, tho' there be very many of his as King of *Sicily*; but theſe not being Imperial, are not to our Purpoſe. Thoſe Conſtitutions of *Frederick* II. which we read at the End of the ſecond Book of Fiefs, according to the antient Collection, under the Title *De Statutis, & Conſuetudinibus circa libertatem Eccleſiæ editis*, &c. have nothing to do with Fiefs;

Fieſs; ſo that they are wrong plac'd there, and for that Reaſon *Cujacius*[1] ſays, he did not put them with the other Feodal Conſtitutions, as not being to the Purpoſe; for the ſame Reaſon thoſe two of *Henry* VII. plac'd under the Title of *Extravagant*, ought not to be plac'd there.

OF all theſe Emperors, none made ſo many Feodal Conſtitutions as *Frederick* I. of which we have Eight.

THE firſt is under the Title *De Feudis non alienandis*, where three or four Cauſes are aſſign'd, whereby a Fief may be loſt, and wherein the Alienation of Fieſs is more ſtrictly prohibited than by that Conſtitution of *Lothaire*. The ſecond, under the Title *De jure Fiſci*, or *de Regalibus*, reſtores the *Regalia* in *Italy*, which were loſt by Diſuſe, of which we have ſpoken in the foregoing Book. The third, under the Title *De pace tenenda*, belongs to the publick Peace of *Germany*, whence 'tis call'd by the *Germans*, *Frid-brief*; and it was publiſh'd in *Ratisbon* after the inteſtine Wars betwixt the Princes of *Germany*; for the Dutchies of *Saxony* and *Bavaria*, taken by the Emperor *Conrad* from *Henry the Proud*, were at an end; and ſeeing there are ſome things in it relating to Fieſs, Barons, and the publick Peace, it's reckon'd amongſt the Feodal Conſtitutions of this Prince. The fourth, is under the Title *De incendiariis*, *&* *pacis violatoribus*, which *Cujacius* took from the Abbot of *Uſperg*, and which likewiſe concerns the publick Peace of *Germany*, and orders ſomething about Fieſs; beſides, as *Cujacius* obſerves, our Foreſathers were wont to join all thoſe Conſtitutions relating to the publick Peace with the Feodal, though Fieſs were not mention'd in them, becauſe they could not enjoy Peace, but by the Fidelity and Steadineſs of the Vaſſals. The fifth, under the Title *De pace componenda*, *&* *retinenda inter Subjectos*, relates to the publick Peace of *Italy*, and was made in *Roncaglia* with the People of the *Milaneſe*, at the End of the firſt War which *Frederick* had with them, of which we have ſpoken in the preceding Book. The ſixth, under the Title *De pace Conſtantiæ*, likewiſe concerns the Peace of *Italy*. This laſt was publiſh'd in *Conſtance* in the Year 1183; for *Frederick* being now wearied of the ſo many Wars he had had with the *Lombards*, reſolv'd to call a Diet in *Conſtance*, in order to ſettle all Matters there. Many Princes and Barons, with a Multitude of Deputies, mention'd in this Conſtitution, were preſent at this Diet, in which many Articles were agreed upon, and the Conditions, with reſpect to the Services to be perform'd by the Cities of *Lombardy* to the Emperor, ſtipulated, and none other were to be put upon them: *Frederick* by this Conſtitution yielded ſome *Royalties* to the ſaid Cities, and kept others, eſpecially *Fodrum* *&* *Inveſtituram Conſulum*, *&* *Vaſſallorum*, and honour'd *Opizo* with the Title of Marquis of *Malaſpina*.

LASTLY, two Conſtitutions of the ſame Emperor follow *De Jure protimiſeos*, to which Right, in *Cujacius*'s Opinion (whatever our Profeſſor *Marinis*[2] may ſay of it) the *Agnati* had as good Pretenſions, as the Lord of the Fief, therefore he inſerted theſe Conſtitutions in the Fifth Book of Fieſs; to which he likewiſe added a *Greek Novella* of *Romanus Lecapenus*, Emperor of the Eaſt, which treats of the ſame Right, whence *Frederick* took what we ſee eſtabliſh'd in his firſt Conſtitution concerning the *Jus protimiſeos*. Here we muſt obſerve, that this Conſtitution *Sancimus de jure protimiſeos*, by a groſs Error in our Doctors, is believ'd to be *Frederick* II's, and upon that Suppoſition they diſpute whether it ought to be reputed Imperial, or a Conſtitution of our Kingdom, made only for the Kingdoms of *Sicily* and *Puglia*; and ſome maintain that as ſuch it has the Force of a Law in our Kingdom. The Miſtake proceeds from ſeeing it join'd to the other Conſtitutions of our Kingdom[3]; and likewiſe becauſe they have ſeen, that *Matteo d'Afflitto*, who commented on our Conſtitutions, has made a particular Comment upon the ſaid Conſtitution, for the moſt part taken from one not printed, formerly made by *Antonio Caputo di Molfetta*, from which, as *Giovan-Antonio de Nigris*[4] ſays, without telling from whom, *Afflitto* took ſo much, as greatly ſwell'd his Work; ſo that ſeeing it commented by our antient Writers, they took it for a Conſtitution of our Kingdom. The Error is moſt palpable, and inexcuſable; and we cannot but wonder that the Cardinal of *Luca*[1] fell into it, who believing that this Conſtitution was *Frederick* II's, ſtarts a Thouſand idle Queſtions, which for want of Foundation, fall to the Ground of themſelves; for it was not publiſh'd by *Frederick* II. but by *Frederick* I. who had no Power to make Laws in the Kingdoms of *Sicily* and *Puglia*, conſequently could not oblige King *William*'s Subjects to accept it. Indeed it afterwards acquir'd the Force of Laws with us, not by the Authority of the Legiſlator, but by the Uſe and Cuſtom of the People, who after a long Tract of Time receiv'd it, juſt ſo as it far'd with the Pandects and the other Books of *Juſtinian*, and likewiſe with theſe Feodal Books; whence at preſent, 'tis in full Force in the Kingdom, but not in the City of *Naples*, where a particular and peculiar Cuſtom relating to that Matter prevails. The other Laws of *Frederick* I. as well the *Military*, eſtabliſh'd in *Breſcia* in the Aſſembly of the Princes of the Empire, in the Year 1158 as *Civil*, ſince they have no relation either to Fiefs, or us, we willingly omit them, for every Body may find them in *Goldaſtus*[2], who has collected them all.

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[1] Cujac. lib. 5. de Feud.

[3] Marinis lib. 1. cap. 233. num. 8.

[3] V. Capitularia Roberti, in fine.

[4] De Nigris in Comment. ad Capitul. Regni in fine, in Conſtit. Sancimus.

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[1] De Luca de Servitutib. diſc. 68.

[2] Goldaſt. tom. 1. pag. 268. & tom. 3. pag. 330.

would, that the Cardinal of *Luca* * fell into it, who believing that this Constitution was *Frederick's*, starts a Thousand idle Questions, which for want of Foundation fall to the Ground of themselves: for it was not publish'd by *Frederick* II. but by *Frederick* I. who had no Power to make Laws in the Kingdoms of *Naples* and *Sicily*, consequently could not oblige King *William's* Subjects to accept it. Indeed it afterwards acquir'd the Force of Laws with us, not by the Authority of the Legislator, but by the Use and Custom of the People, who after a long Tract of Time receiv'd it, and so it was fix'd with the Pandects and the other Books of *Justinian*, and likewise with their Feudal Books; whence at present, 'tis in full Force in the Kingdom, but not in the City of *Naples*, where a particular and peculiar Custom relating to that Matter prevails. The other Laws of *Frederick* I. as well the Treaty, establish'd in *Brescia* in the Assembly of the Princes of the Empire, in the Year 1158, as *Const*, since they have no relation either to Fiefs, or us, we willingly omit them, for every Body may find them in *Goldastus* †, who has collected them all.

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* De Luca de Servitutib. disc. 63. † Goldast. tom. 1. pag. 268. & tom. 3. pag. 330.

THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XIV.

AS the Death of *William the Wicked*, and the Acceſſion of his Son to the Throne, quieted the Diſorders and Miſchiefs into which the Kingdom was involv'd, ſo the afflicting and lamentable Loſs of *William* II. brought greater and more cruel Diſaſters upon it. Our Country never ſaw more wretched Times than thoſe which happen'd from the Death of this good Prince, to the Reign of *Frederick* II. who, by his Virtue and Greatneſs of Soul, was able to cruſh the Diſturbers of the Kingdom, and reſtore it to a more peaceable and ſettled State.

WILLIAM having died without leaving any Iſſue, made way for many Pretenders to the Crown, though in his Life-time he had declar'd his Aunt *Conſtantia* Heireſs of the Kingdom; and in an Aſſembly held for that Purpoſe in *Troja*, had caus'd his Vaſſals to take an Oath of Fealty to her and her Huſband *Henry*; nevertheleſs the *Sicilians* abhoring the Dominion of *Henry*, as a foreign Prince, and he being at a great Diſtance in *Germany*, with his Wife *Conſtantia*, they began to look out for another to ſucceed to the Throne, and had all their Eyes upon *Tancred* Count of *Lecce*. The Barons of the Kingdom, and the Friends of the Royal Family, were altogether by the Ears on that account; for all thoſe who were of the Blood Royal, or had great Baronies, not yielding to one another, aſpir'd to the Crown [1]; and thoſe of lower Degree adhering to the moſt powerful, turn'd the Kingdom upſide down; ſo ſoon was the Oath of Fealty ſworn to *Conſtantia* and *Henry* in *Troja* forgotten.

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[1] Ric. di S. Germ. Poſt Regis obitum, omnes inter ſe cæperunt de Magioritate contendere, & ad Regni ſolium aſpirare, & oblit. jurisjurandi, quod fecerant, &c.

THERE are ſome who write [1], that Pope *Clement* III. ſeeing the lawful Iſſue of the *Normans* fail'd, pretended that the Kingdom, as his Fief, had devolv'd to the Church of *Rome*, and for that end had aſſembled his Troops, in order to reduce it to his Obedience. But that is a very ill-contriv'd Story; for at this Time the Popes had ſet up no ſuch Claim; they went on by ſhort and leiſurely Steps, and were at this Time ſatisfied with the Inveſtiture, for they well knew, that in proceſs of Time, and as lucky Opportunities ſhould happen, they would reap greater Advantage, which accordingly fell out in the Reigns of *Innocent* IV. and *Clement* IV. which theſe two Popes improv'd. The preſent Situation of Affairs would not allow of it, becauſe the Power of the Pretenders, ſuch as *Henry*, was great; the Minds of the *Sicilians* were altogether bent on *Tancred*, and the Chief Barons aſpir'd all at the Kingdom for themſelves. The Pope had none to aſſiſt him, and of himſelf he was not able, wanting both Men and Money, ſo that *Clement* could undertake nothing. And the Pope was ſo far from ſuch Thoughts, that he no ſooner heard that the *Sicilians* had advanc'd to the Throne, and crown'd *Tancred*, than he immediately diſpatch'd the uſual Inveſtiture; for he look'd upon it to be more for his Purpoſe to have *Tancred* to be King of *Sicily*, than *Henry*, who was King of *Germany*.

BUT the *Sicilians*, and eſpecially thoſe who were of *Matteo* the Vice-Chancellor's Faction, in Oppoſition to the Archbiſhop *Gualtieri*, freed from the Fear of the Friends of the Royal Family, proclaim'd *Tancred* King; and the Vice-Chancellor's Faction having join'd them, in order to cruſh the Archbiſhop and his Party, who were for *Conſtantia*, they ſet *Tancred* on the Throne, and immediately he came to *Palermo*, where with great Acclamations he was publickly proclaim'd King, and in the Beginning of this Year 1190 [2], with great Solemnity crown'd. The *Sicilians*, not content with this, forthwith ſent an Expreſs to the Pope, who, in order to fix him the better on the Throne, ſent him the wonted Inveſtiture; which *Neubrigenſis*, *Riccardo da S. Germano*, and the Chronicle of *Monte Caſſino* aſſert for Truth. The grateful King made *Matteo* High Chancellor of the Kingdom, and his Son *Riccardo* Count of *Ajello*.

TANCRED, as we have ſaid, was the baſtard Son of *Roger* Duke of *Puglia*, eldeſt Son of *Roger the Elder*, firſt King of *Sicily*, begot on a Daughter of *Robert* Count of *Lecce*; for Duke *Roger* frequenting Count *Robert*'s Houſe, and ſeeing his Daughter young and handſome, they fell in Love with one another; and it was not long before they taſted the Sweets of their Love, and went on in that manner till ſhe became twice with Child, and brought forth *Tancred* and *William* [3]. But *Roger* exceeding in the Embraces of his beloved Miſtreſs, fell grievouſly ſick, which made his Father call him Home, and finding the Cauſe of his Illneſs, he was highly offended with the Count, believing it was all his Doings; and *Roger* dying ſoon after, the King ſo perſecuted the Count, that he was forc'd to fly to *Greece*, and the King kept the two Children ſhut up in his Palace like Priſoners, where they continued till *Bonello*'s Conſpiracy againſt *William* I. when they went to *Greece*, where *William* the younger of the two died, and *Tancred* was afterwards recall'd by *William* II. who receiv'd him very graciouſly, and inveſted him with the County of *Lecce*, which was his Grandfather's by the Mother.

SOME have written [4], that Duke *Roger* at laſt obtain'd leave from the King his Father to marry his beloved Miſtreſs, but was prevented by Death, and that there was nothing wanting to make it a lawful Marriage, but the Ceremony of the Church, for mutual and lawful Conſent had preceded; whence *Tancred* ought not to be reputed a Baſtard, but lawfully begotten; and therefore King *William the Good* inveſted him with the County of *Lecce*, which was his Grandfather's, and Pope *Clement* gave him the uſual Inveſtiture of the Kingdom. But theſe Accounts, as having no ſolid Foundation, are look'd upon by the moſt grave and exact Writers as fabulous; and *Clement* gave him the Inveſtiture, not on account of his Legitimacy, but in Oppoſition to *Henry*. Whence *Frederick* II. always reckon'd the Acts

[1] Platin. ad Clem. III. Gio. Vill. lib. 4. c. 19.

[2] Ric. da S. Germ. Tunc vocatus Panormum Tancredus eſt, & per ipſum Cancellarium coronatus in Regem: Romana Curia dante aſſenſum.

[3] Ugo Falcand. Nobiliſſima matre genitus, ad quam Dux ipſe conſuetudinem habuerat.

[4] Giacomo-Antonio Ferrari related by Summonte.

of theſe Princes, to wit, *Tancred* and *William* III. his Son, as null and unlawful, and as made by Uſurpers and Invaders of the Kingdom, which after the Death of *William* II. by Right of Succeſſion, and the laſt Will of *William* II. belong'd to his Mother *Conſtantia*.

CONSTANTIA's being a Woman was no Bar to her Succeſſion; for tho' in *Italy* before *Frederick* II's Time, Women as well as the Dumb and Deaf were excluded from the Succeſſion of Fiefs, to which only Males had a Right, to prevent the Fiefs going from the Launce to the Diſtaff; nevertheleſs the *Normans* (notwithſtanding the different Opinion of the *Longobards*) did not look upon Women as incapable of ſucceeding to the Crown; ſo much the rather, becauſe the Succeſſion being regulated by the Pope's Inveſtiture, in which both Male and Female are comprehended, the Inveſtiture is given to the Heirs and Succeſſors indifferently; therefore the *Normans* allow'd both Males and Females to ſucceed; and the firſt Inveſtiture given by *Innocent* II. to *Roger* runs thus, *Rogerio illuſtri, & glorioſo Siciliæ Regi, ejuſque hæredibus in perpetuum*; and that given by *Adrian* IV. to *William* I. is more clear, *Hæredibus noſtris, qui in Regnum pro voluntaria ordinatione noſtra ſucceſſerint*; and ſo of all the reſt ſince. Therefore *Frederick* II. was always wont to call the Kingdom of *Sicily* his Hereditary Dominion, by the Right of his Mother *Conſtantia*; for the Succeſſion of Kingdoms was never regulated by the ſame Maxims and Laws with Fiefs, as the incomparable *Franceſco d'Andrea* in his learned Treatiſe about the Succeſſion of *Brabant* has ſufficiently prov'd; whence Males and Females without Diſtinction have ſucceeded in the Kingdoms of *Sicily*, excepting, that in latter Times in the Reigns of King *Alphonſus*, and the other *Arragonian* Kings, becauſe of the Miſchiefs occaſion'd by the two Queen *Joans* I. and II. it was deſign'd to have been altered, as ſhall be taken notice of in its Place. Such has been the Cuſtom not only of *Sicily* and *Puglia* for many Ages, but almoſt of all the other Kingdoms of *Europe*, which, on that account, is call'd by the People of *Aſia*, and other Eaſtern Nations, *the Kingdom of Women*; not only becauſe the *Europeans* honour and adore them like Idols, contrary to the Cuſtom of the Orientals, but alſo becauſe they ſee them rais'd to the Thrones of the greateſt Monarchies and Kingdoms. But tho' the *Normans* excluded Women from the Succeſſion of Fiefs, yet their Kings frequently inveſted them with Baronies and Counties, as in *Ugo Falcando*, we find that *Clementina* the natural Daughter of *Roger* I. was inveſted by her Father with the County of *Catanzaro*.

TANCRED then had no other Title to ſupport him but the Voice of the People, who had proclaim'd him King, and ſet him on the Throne of *Sicily*; but many Barons, by the Means of the Archbiſhop *Gualtieri* did not acknowledge him, and eſpecially thoſe of the Kingdom of *Puglia*; ſo that *Tancred* was forc'd to uſe his utmoſt Efforts to gain them to his Intereſt. He had married *Sibila*, Siſter to *Riccardo* Count of *Cerra*[1], to whom he ſent a great Sum of Money, to raiſe Men for ſuppreſſing thoſe that ſtood out againſt him; and at the ſame Time by fair Means and Rewards endeavour to win the Favour of the Natives. *Riccardo* manag'd Matters ſo well, that in a ſhort Time he rais'd a good Army, with which he ſubjected the Barons of *Principato* and *Terra di Lavoro*, plunder'd and ruin'd the Caſtles belonging to the Monaſtery of *Monte Caſſino*, and made the Abbot *Roffrido* take an Oath of Fealty. But the Cities of *Capua* and *Averſa* defended themſelves. And *Roger* Count of *Andria*, and High Conſtable (the ſame whom *William* ſent Ambaſſador to *Venice*) by no means would yield to *Tancred*; but being provok'd that he had been preferr'd to the Crown before him, went, with *Riccardo* Count of *Calvi*, and many of his Followers, and a good Body of arm'd Men, to obſerve *Riccardo* Count of *Cerra* and his Army, and to prevent his taking Poſſeſſion of *Puglia*; and wrote to *Henry* in *Germany* to come and take Poſſeſſion of the Kingdom of *Sicily*, which by Right belong'd to his Wiſe, but was unjuſtly poſſeſs'd by the Count of *Lecce*. The Archbiſhop *Gualtieri* wrote likewiſe to *Henry*, giving him account of what had paſs'd in *Sicily*; but *Henry* delaying to come or ſend an Army, *Tancred* came to our Provinces, and ſucceſsfully ſubjected the greateſt Part of *Puglia*, notwithſtanding the Oppoſition of Count *Roger*.

IN the mean Time *Henry* ſent *Henry Teſta*, Marſhal of the Empire, with a ſtrong Army into *Italy*, who arriving after *Tancred* had made himſelf Maſter of the greateſt Part of *Puglia*, by the Way of *Aquila* enter'd *Terra di Lavoro*, where he burnt and deſtroy'd all the Places he took; and having join'd Count *Roger*, march'd immediately to *Puglia*, where he likewiſe demoliſh'd many Caſtles, and among the reſt *Corneto* belonging to the Abbot of *Venoſa*, becauſe he was of *Tancred's* Faction. But the King's Army, not willing to venture a Battle in the open Fields, fortified themſelves in the City of *Ariano*, and ſome neighbouring Caſtles, and very wiſely ſpun out the Time, till the Enemy's Army dwindled away to nothing; for *Henry Teſta* having for ſome Time laid Siege to *Ariano*, in the very hotteſt Time of the Summer, what with the ſcorching Heat, and the Want of Proviſions, his Soldiers fell ſick and died, and at laſt, to prevent the total Ruin of his Army, he was forc'd to raiſe the Siege, and, without having done any Thing remarkable, return to *Germany*.

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[1] Ric. di S. Germ.

BUT *Roger* Count of *Andria*, truſting too much to his own Strength, would keep up the War; and having garriſon'd the Caſtle of S. *Agata*, retir'd to *Aſcoli*, where he reſolv'd to defend himſelf againſt the Count of *Cerra*, who, upon the marching off of the *Germans*, had ventur'd to take the Field, follow'd him cloſe at the Heels, and beſieg'd him there; but not able to win him over, either by fair Means or Force, he had recourſe to Fraud, and one Day having given him his Parole of Honour, deſir'd to ſpeak with him without the City, where he laid a Snare for him, made him Priſoner, and cruelly murder'd him. Then he march'd and beſieg'd *Capua*, whoſe Citizens being terrified at the Death of *Roger*, too raſhly ſurrender'd; for *Henry* King of *Germany*, whoſe Intereſt they had eſpouſed, was now enter'd *Italy* with a great Army, in order to conquer the Kingdom.

IN the mean while, after the Death of *Henry* King of *England*, *Richard* his Son and Succeſſor, and *Philip* King of *France*, with ſtrong Fleets had left their Dominions in order to go to *Paleſtine*; and tho' by different Courſes, about the End of *September* both of them arriv'd at *Meſſina*, where, the Winter coming on, they were forc'd to remain till the following Spring. Beſides, King *Richard* had a mind to ſtay to make up ſome Differences that had happen'd betwixt Queen *Joan* his Siſter, Widow of King *William*, and *Tancred* King of *Sicily*, which he agreed, and *Tancred* promis'd to give in Marriage one of his Daughters, as ſoon as ſhe was of proper Age, to Prince *Arthur*, the King of *England's* Nephew, *Richard* having no Iſſue of his own, with Twenty thouſand Ounces of Gold for her Portion [1].

AT this Time the Fame of *Giovacchino Calabreſe*, a *Ciſtercian* Monk, Abbot of *Curacio*, and reputed a Prophet, was ſpread over all *Europe*; for which Cauſe *Richard* was curious to converſe with him, but by his Diſcourſe the King found him to be only a prating Fellow, and the Iſſue of this Expedition was the Reverſe of what he had propheſied. However, he was a Man of great Vivacity, ſubtle Wit, and very ſly, and the moſt knowing of the Age in the Holy Scriptures; and from the Skill he had in them, with his ready Wit, impos'd upon the People, and paſs'd for a Prophet. From the infinite Number of Books which he wrote, and all of them with ſpecious and extravagant Titles, it may be ſeen, that among the Divines of theſe Times, he was reputed a Man of great Penetration and Learning [2]. Tho' he attack'd *Peter Lombard*, a Man likewiſe famous in theſe Times, call'd *Magiſter Sententiarum*, whom he treated very unhandſomely, and in one of his Books which he wrote againſt him, did not ſtick to call him a Heretick and Fool; yet, becauſe *Peter's* Opinions were all Catholick, and did not deſerve to be ſo branded by *Giovacchino*, *Innocent* III. in the *Lateran* Council condemn'd the Abbot's Book, and pronounc'd them Hereticks who ſhould dare to defend that part of the Book which was levell'd againſt *Peter*.

NEVERTHELESS, on account of his great Penetration and Parts, he was look'd upon by learned Men to be very ingenious, and gifted with a Spirit, if not of Prophecy, at leaſt of Knowledge, which was the Opinion of *William* Biſhop of *Paris*, who flouriſh'd about the Year 1240. And *Dante* [3] makes no Difficulty in placing him in Paradiſe, and making him a Prophet.

There Raban *is, and by his Side do's ſhine*
The good Calabrian *Abbot* Giovacchine,
Full of prophetick Fire, and Light Divine.

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[1] Ep. Regis Angl. ad Clem. III. apud Baron.

[2] V. Nicod. in Addit. Bibliot. de Toppi.

[3] Dante Parad. canto 12.

And he was likewiſe reckon'd a Prophet by *Matteo Palmieri* in his Chronicle, and by *Siſto Saneſe*, *Henricus Cornelius Agrippa*, *Paleotto*, and many others recorded by the Author of the Appendix to the Library of *Toppi*.

IN the mean time *Henry* King of *Germany*, on the News of the Death of *Frederick Barbaroſſa*, his Father, who, as we have ſaid, died in the leſſer *Armenia*, deſirous to gain the good Will of the *Germans*, reſtor'd to *Henry* Duke of *Saxony*, and to every other Perſon, whatever his Father had taken from them; and after he had thus ſettled the Affairs of *Germany*, he ſent Ambaſſadors to *Rome* to Pope *Clement*, and the Senators of the City, acquainting them, that he had reſolv'd to come to *Italy*, in order to receive the Imperial Crown the *Eaſter* following; but while they were looking for him, Pope *Clement* died the Fourth Day of *April* 1191, and *Henry* arriv'd ſoon after, when *Giacinto Bubone*, a *Roman*, nobly deſcended, and 85 Years of Age, had ſucceeded *Clement*, and taken the Name of *Celeſtine* III. who, with the uſual Solemnity, in St. *Peter*'s Church, crown'd *Henry* Emperor, together with his Wiſe *Conſtantia*.

KING *Tancred* went again from *Palermo* to *Puglia*, where he call'd a Parliament of his Barons, and ſettled the Affairs of his Kingdom, and then went to *Abruzzo*, where he defeated Count *Rainaldo*, and forc'd him to ſubmit. From thence he went to *Brindiſi*, and concluded a Marriage betwixt his eldeſt Son *Roger*, and *Irene*, ſometimes call'd *Urania*, Daughter of *Iſaac* Emperor of *Greece* [2], and ſoon after, the young Lady came from *Conſtantinople* to *Brindiſi*, where the Marriage was celebrated with great Pomp. *Tancred* likewiſe caus'd *Roger* to be crown'd King of *Sicily* in that City; whence *Inveges* obſerves [3], that this was the firſt King of *Sicily* that had been crown'd any where but in *Palermo*; and after the Coronation was over, and the Caſtles of *Evandro* and *Guglielmo* were given to *Roffredo* Abbot of *Monte Caſſino*, *Tancred* return'd joyfully to *Palermo*.

BUT the Emperor *Henry* was no ſooner crown'd in *Rome*, than he aſſembled his Army, and accompanied with *Conſtantia*, by the Way of *Campania*, he attack'd the Kingdom in order to conquer it; but *Celeſtine* us'd his utmoſt Endeavours to diſappoint him, and was very much offended, that he ſhould make War upon *Tancred*, who had been inveſted with the Kingdom by his Predeceſſor *Clement* [4]. But *Celeſtine*'s Endeavours were all in vain, for the *Germans*, being come to the Caſtle of *Acre*, a very ſtrong Place on the Borders of the Eccleſiaſtick Eſtate, took it in an Inſtant by Storm: Which Action, as it hearten'd and encourag'd the Emperor's Army, ſo it put a Damp upon the Courage of the Natives; for *Sorella*, *Atino*, and *Colle*, were ſo terrified, that they ſurrender'd without being attack'd; and *Roffredo* Abbot of *Monte Caſſino*, who was lying ſick, and the Inhabitants of St. *Germano*, took an Oath of Fealty to the Emperor, who, with *Conſtantia*, ſoon after, went to viſit that Monaſtery. As they advanc'd further, the Counts of *Fondi* and *Moliſe*, ſubmitted, and in *Terra di Lavoro*, *William* Count of *Caſerta*, and the Cities of *Teano*, *Capua* and *Averſa*, likewiſe ſubmitted; they found no Reſiſtance, till they came to *Naples*, whither the Count of *Cerra* had retir'd, and the Citizens continuing firm in their Allegiance to *Tancred*, were prepar'd to make a bold Defence. *Naples* was at this Time govern'd by *Aligerno*; and though the *Neapolitans* own'd *Tancred* for their Lord, as they had done all the *Norman* Kings his Predeceſſors, yet they ſtill retain'd the ſame Form of Government which they had, before *Roger* made their City free. *Henry* having ſent the Empreſs *Conſtantia* to *Salerno*, which had now come under his Obedience, cloſely beſieg'd *Naples* on all Sides, but by no Means was able to take it, becauſe it was not only bravely defended by the Count of *Cerra*, and the *Neapolitans*, but likewiſe the *Germans*, in the exceſſive Heat of the Seaſon, by eating Fruit, and the unhealthful Air of theſe marſhy Places, began to die in great Numbers, and among the reſt, the Archbiſhop of *Cologn*, whoſe Body was carried to be buried in *Germany*; and at laſt the Emperor himſelf fell ſick, and finding he was not like to ſucceed in his Undertaking, order'd all the Neighbourhood to be pillag'd, all the Fruit-Trees to be burn'd, and the Siege to be rais'd. And having left *Conſtantia* in *Salerno*, and a Captain, nam'd *Moſca in Cervello*, Governor of the Caſtle of *Capua*, *Diepoldus* a *German*, Governor of the Caſtle of *Acre*, and *Corrado di Marlei* of the Town of *Sorella*, and taken Hoſtages

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[1] Chron. of Foſſa nova.
[2] Ricc. da S. Germ.

[3] Inveges lib. 3. Hiſt. Palerm.

from the Citizens of St. *Germano*, whom, with the Abbot *Roffredo* he took with him, he ſet out for *Lombardy* on his Way to *Germany*.

THE Count of *Cerra* having heard of *Henry*'s Departure, immediately with his Soldiers, and many *Neapolitans*, march'd out of *Naples* and went to *Capua*, which preſently ſurrender'd, where he kill'd a great Number of *Germans*, and laid Siege to the Caſtle, which, for want of Proviſions, *Moſca in Cervello* not being able to maintain, ſurrender'd, and with all his Garriſon was allow'd to march out [1]. Then the Count took *Atino*, *Averſa*, *Teano* and S. *Germano*, with all the Villages belonging to the Abbacy of *Monte Caſſino*; and having ſollicited *Adenolfo de Caſerta*, the Dean of the Monaſtery to ſurrender, he could, neither by Intreaties nor Force, prevail with him. He afterwards ſubjected *Riccardo Mandra* Count of *Moliſe*, and gave the Government of S. *Germano* and S. *Angelo*, to *Teodico Maſnedam*. *Riccardo* Count of *Fondi*, who had bought *Seſſa* and *Teano* from the Emperor, terrified at theſe proſperous Succeſſes, deſerted his Dominions, and fled to *Campagna di Roma*; and *Tancred* having a Mind to gratify *Aligerno* for his good Service, in defending *Naples*, gave him the County of *Fondi*, forfeited by *Riccardo*.

BUT this Run of good Fortune no ways frighted *Adenolfo* Dean of *Caſſino*, who, notwithſtanding that Pope *Celeſtine* had excommunicated him, and likewiſe interdicted his Monaſtery [2], obſtinately ſtood out, and adher'd to the Emperor's Party. On the contrary, the *Salernitans*, in order to curry Favour with *Tancred*, deliver'd up the Empreſs *Conſtantia*, whom he very generouſly and honourably receiv'd in *Palermo*, and not long after, at the Deſire of the Pope, he ſet her at Liberty, and with many Preſents, accompanied with *Egidio* Cardinal of *Aragon*, ſent her to *Germany* to her Husband [3].

NEVERTHELESS the War was long carried on with doubtful Succeſs in *Terra di Lavoro*; for *Adenolfo* Dean of *Monte Caſſino*, having aſſembled ſome Troops of his own, with a few *Germans*, recover'd all the Places belonging to his Monaſtery; and the Emperor having ſent back the Abbot *Roffredo*, with Count *Bertoldo*, and a good Body of *German* Soldiers, they join'd the Dean, and made notable Progreſs; and Count *Bertoldo* having enter'd the Kingdom with many *German* and *Florentine* Soldiers, put all *Campania* and the County of *Moliſe* in terrible Confuſion, demoliſh'd the City of *Venafro*, and the Caſtles in the Neighbourhood, and made many of *Tancred's* Soldiers Priſoners.

WHILE our Kingdom was thus ravag'd, *Richard* King of *England*, who with *Philip* King of *France* had gone to *Paleſtine*, and taken *Acon*, having fallen out with King *Philip*, was the firſt that capitulated with *Saladin*, and made a Truce for Three Years, which they concluded in the Year 1190; and having given the Title of King of *Jeruſalem* to his Nephew *Henry*, and to *Guido* of *Luſignan*, to whom that Kingdom of right belong'd, the Iſland of *Cyprus* in place of it, he ſail'd with his Fleet from that Coaſt, in order to return to his own Country; but being overtaken with a terrible Storm in the *Adriatick* Sea, he had like to have been drown'd, and with difficulty got aſhore with a few Followers. And travelling privately thro' *Germany* for *England*, near to *Vienna* he was betray'd by ſome of his own Domeſticks, and made Priſoner by the Duke of *Auſtria*, and deliver'd to the Emperor his Enemy, who, notwithſtanding all Means us'd for his Redemption, kept him a Year and near Two Months Priſoner, at laſt for a great Sum of Money, ſet him at Liberty, to return to his own Kingdom. In the mean time Pope *Celeſtine* had excommunicated both the Emperor and the Duke of *Auſtria* for this Fact, and pretended that he could not abſolve them until they had reſtor'd the Money extorted from the King for his Liberty; ſo that they, by no Means willing to part with it, died thus excommunicated.

BUT to return to our own Kingdom, Count *Bertoldo* purſuing his Conqueſts in *Terra di Lavoro*, and the County of *Moliſe*, and multitudes of the Natives, who long'd for the *German* Government, joining him daily, oblig'd *Tancred*, leſt the whole Kingdom ſhould revolt, to leave *Palermo*, and return to *Puglia*, where he aſſembled a ſtrong Army, and march'd to engage the Count [1]; and meeting one another under *Monteſuſcolo*, they were juſt going to engage; but the King being adviſed, that it was not fit to risk his Royal Perſon in Battle with *Bertoldo*, ſhunn'd fighting [2]; upon which the Count, whoſe Army was inferior in Number to that of the King, was overjoy'd, left *Monteſuſcolo*, and return'd to the County of *Moliſe*, where he beſieg'd the Caſtle of *Monte Rodano*, and during the Siege, was kill'd by a Ball thrown out of the Caſtle from a Machine, which was all the Artillery us'd in theſe Times; and in his Place the *Germans* choſe *Moſca in Cervello* their Leader. And *Tancred* likewiſe march'd from *Monteſuſcolo*, and re-took the Caſtle of S. *Agata*, and all the Places of that Province, and from thence he went to *Terra di Lavoro*, where the Count of *Caſerta*, and the City of *Averſa*, with ſome other Places, ſoon ſubmitted to him. And having thus reduc'd to his Obedience, the Borders of *Puglia* and *Campania*, he return'd to *Sicily*; but before his Departure, he left no Stone unturn'd to bring over *Roffredo* the Abbot of *Caſſino* to his Party, though in vain, for, as if he had foreſeen what was to happen, neither the Intreaties of the King, nor the Threats of the Pope, were able to make him deſert the Emperor.

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[1] Ricc. da S. Germ. Imperator Regnum intrat menſe Martio, Papa prohibente, & contradicente. Arnaldo Lubbecenſe *likewiſe writes, that* Henry'*s coming to* Puglia, animum D. Papæ non parum offenderat, quia Rex Tancredus a ſede Apoſtolica jam ibi ordinatus fuerat.

[2] Ricc. da S. Germ.

[3] Idem. Adenulphus Caſertanus Decanus Caſſinenſis, pro eo quod in partes non ceſſit Regis, a Celeſtino Papa excommunicatus eſt, & Monaſterium Suppoſitum interdicto. Idem. Roger. Hovenden in Annal. Anglor. Chronic. de Foſſa Nova apud Baron.

BUT *Tancred*'s Proſperity was very ſhort-liv'd, for ſoon after his Return to *Palermo*, *Roger* his eldeſt Son, fell ſick, and in the Vigour of his Youth was ſnatch'd away by untimely Death, without leaving Iſſue. This grievous Loſs ſtruck the King his Father to that degree, that ſhortly after, having caus'd his ſecond Son *William*, to be crown'd [3], he likewiſe, by the Violence of his Grief, fell ſo ill, that no Remedy being found equal to his Diſtemper, he departed this Life in the Year 1193, according to *Riccardo da S. Germano*, a Contemporary Writer, and with great Pomp was buried in the Cathedral Church of *Palermo*, under the ſame Tomb with his Son *Roger*, as he had order'd before his Death.

THIS Prince's Reign was ſo very ſhort, and full of Troubles and Commotions, that he had not Time to ſettle his Kingdom with good Laws; for he was ſo involv'd in the Affairs of War, that he had not Leiſure to think of thoſe of Peace; therefore we have none of his Laws; and if he had made Laws, *Frederick* II. would not have ſuffer'd them to be join'd with thoſe of *Roger* and the Two *Williams*. For he look'd upon *Tancred* and his Son *William*, who ſucceeded him, to be Uſurpers, and would not allow any of their Grants, Privileges or Donations, as done by Tyrants, to be of Force, or to take Effect [4]; as the Emperor *Juſtinian* did by the *Gothiſh* Kings, for he approv'd of all the Acts and Deeds of *Theodorick* and *Athalarick* his Son, but not of thoſe of *Thedatus*, *Vitiges*, and the other Kings their Succeſſors, whom he took to be Tyrants, and Uſurpers of the Kingdom of *Italy*.

TANCRED, by *Sibilia da Medania*, the Daughter of *Robert* Count of *Cerra*, Brother *Uterine* of *Ruggerio da Sanſeverino*, the Son of *Trigiſo Normanno*, had the Two Sons above-mentioned, and ſome Daughters; of which only *Albirnia* and *Mandonia*, ſurviv'd the Father, and who, with their Brother *William*, and their Mother *Sibilia*, were long kept Priſoners in *Germany* by *Henry*, as ſhall be related; and according to *Inveges* [5], he had another nam'd *Conſtantia*, the Wife of *Pietro*, who was Uncle to the Doge of *Venice*.

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[1] Pellegr. Caſt. in Anon. Caſſin.

[2] Ricc. da S. Germ. Quod honor ſibi non erat cum Bertholdo congredi.

[3] Idem, Rex ipſe in Siciliam remeavit; ubi ordine naturæ præpoſtero Rogerius filius ejus, qui coronatus in Regem fuerat anno 1191. viam eſt univerſæ carnis ingreſſus, & frater ejus Gulielmus in Regem ſucceſſit ei.

[4] Conſtit. Inſtrumenta, tit. 27. & Conſtit. Privilegia, tit. 28. lib. 2.

[5] Inveg. lib. 3. Hiſt. Palerm.

CHAP. I.

William III. *King of* Sicily, *ſucceeds to his Father* Tancred. *The Emperor* Henry *makes War upon him, dethrones him, and takes him Priſoner.*

TANCRED was ſucceeded by his Son *William* III. whom his Father, after the Death of his Brother *Roger*, had cauſ'd to be crown'd King of *Sicily*; upon the News of which, *Henry* reſolv'd to return to *Italy*, in order to conquer the Kingdom, for he judg'd (*Tancred* being dead) that there was nothing could prevent his Succeſs in the Undertaking. For which end he ſent his Army to the Sea Coaſt of the Kingdom, and he himſelf, with his *German* Friends, the Count of *Fondi*, and many native Barons, who met him on the Borders of the Eccleſiaſtick State, by the way of St. *Germano*, went to *Monte Caſſino*, where he was honourably receiv'd by the Abbot *Roffredo*[1].

FROM thence having enter'd *Campania*, and all the neighbouring Places ſurrendering to him, except *Atina*, *Rocca Guglielmo*, *Capua* and *Averſa*, which neither ſurrender'd, nor were attack'd, he went towards *Naples*. Before *Henry* came, the *Neapolitans* had agreed with the *Piſans*, whom he had taken care to ſend with a good Fleet, to ſurrender, ſo that upon his Arrival, the Gates were open'd to him.

FROM *Naples* he march'd and laid Siege to *Salerno*; the Citizens, conſcious of their Villany in delivering up *Conſtantia*, and afraid that *Henry*, out of Revenge, would ruin their City, reſolv'd to defend themſelves; but not able to reſiſt ſo great an Army, the City was taken by Storm, and cruelly plunder'd; as for the Inhabitants, ſome of them were kill'd, ſome put in Priſon, and the reſt baniſh'd; thus was this noble City left deſolate. Such was the Fate of the moſt magnificent Cities of this Kingdom; *Benevento*, when it came under the Government of the Church of *Rome*, loſt all its ancient Splendor and Glory; and whereas formerly it was the Head of a vaſt Principality, afterwards its Territories reach'd only a few Miles without the Walls. *Bari*, by the Indignation of *William* I. was deſtroy'd; and *Capua*, upon the declining Hand, had loſt its antient Luſtre. It ought not then to ſeem ſtrange, if from the Decay of theſe renown'd Cities, we ſhall ſhortly ſee *Naples* ſtart up, and, by the Favour of *Frederick* II. and yet more by that of *Charles* I. of the Family of *Anjou*, become the Head, and Metropolis of ſo vaſt and noble a Kingdom.

THUS did *Henry* triumph in theſe Provinces, and with the like Succeſs enter'd *Puglia*, which, without any Reſiſtance, he totally ſubdued: From thence he ſent his moſt truſty Friend the Abbot *Roffredo* into *Sicily*, and gave him Power, in his Name, to receive all the Places that were willing to ſubmit. As the Abbot paſs'd through *Calabria*, the Cities and Caſtles of that Country ſtrove which of them ſhould open their Gates to him firſt, and when he croſs'd the Straits, *Meſſina*, *Palermo*, and almoſt all the other Cities of that Iſland, without making the leaſt Oppoſition, ſubmitted.

QUEEN *Sibilia* ſeeing the Diſloyalty of the *Sicilians*, and afraid of herſelf and Children, left the Royal Palace, and retir'd to the Caſtle of *Calatabellotta*, a very ſtrong Place, and able to make a good Defence; and in the mean Time the *Palermitans* invited the Emperor, who had now come over to *Sicily*, to make his Entry into their City. But *Henry* not willing to loſe Time in beſieging *Calatabellotta*, reſolv'd to gain his Ends by Fraud, whereupon he ſent Meſſengers to the Queen, to tell her, that if ſhe would give up the Kingdom, ſhe ſhould have the County of *Lecce* to herſelf, and the Principality of *Taranto* to her Son *William*; the Queen ſeeing herſelf deſerted by every Body, accepted the Offer; and the Emperor ſoon after, having with great Pomp made his Entry into *Palermo*, the poor unfortunate *William* came, and at his Feet ſurrender'd the Crown of *Sicily*, as the Chronicle preſerv'd in *Monte Caſſino*, and *Riccardo da S. Germano* relate.

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[1] Ricc. da S. Germano.

THUS did theſe Kingdoms go from the *Normans* to the *Suevi*, not by Conqueſt, as the *Normans* had taken them from the *Greeks* and *Longobards*, but by Succeſſion, in the Perſon of *Conſtantia*, the laſt of the lawful Race of the *Normans*. 'Tis true, this Title would have been of no ſtead to *Henry*, if he had not back'd it with his Arms; but it cannot be denied, that his Son *Frederick*, in his Conſtitutions frequently declares, that he held the Kingdom by no other Right but that of Succeſſion. Therefore he calls the Kingdom of *Sicily*, *Hæreditarium Regnum*[1]; and in another Conſtitution, *Hæreditas pretioſa*[2].

HENRY having triumph'd over his Enemies, and ſubjected the Kingdoms of *Puglia* and *Sicily*, in order to fix himſelf in them, very imprudently, had recourſe to Cruelty and Rigour; for after he had rewarded the Abbot *Roffredo*, and given to his Monaſtery the Caſtle of *Malveto*, and reſtor'd to it *Atino*, and *Rocca Guglielmo*, he caus'd a General Aſſembly to be conven'd on *Chriſtmas* Day, in the Royal Palace of *Palermo*, where having ſignified to thoſe preſent, that by Letters from *Pietro* Count of *Celano*, he had been advertis'd of a Conſpiracy hatching againſt him, contrary to the Articles agreed on, and the Protection given, he impriſon'd *William* the late King, Queen *Sibilia* and her Daughters, *Niccolo* Archbiſhop of *Salerno*, with *Riccardo* Count of *Ajello*, and *Ruggiero* his Brothers, all three Sons of *Matteo* the High Chancellor, whom he hated mortally, becauſe, as we have ſaid, it was he that perſuaded the *Sicilians* to make *Tancred* their King; but *Matteo* being now dead, he vented his Paſſion upon his Sons. He likewiſe caus'd the Biſhops of *Trani* and *Oſtuni*, with many other Prelates and Barons, to be ſeiz'd; and perſiſting in his Cruelty, he barbarouſly caus'd many of them to be burn'd, ſome hang'd, and the Eyes of others to be put out, and the unfortunate *William*'s Teſticles to be cut off. Pope *Celeſtine* upon hearing of this Cruelty, and likewiſe at the Deſire of *Eleonora* Queen of *England*, the Mother of our Queen Dowager *Joan*, who wrote to the Pope for that Purpoſe[3], ſent an Apoſtolick Legate to expoſtulate this unheard-of Cruelty with him; but the Emperor undervalu'd all theſe Advices: And *Roger Hovenden*, in his Annals, adds, that not content with having wreak'd his Barbarity upon the Living, he did not ſpare the Dead; for he caus'd the Bodies of King *Tancred* and his Son *Roger* to be rais'd, and the Royal Crowns with which they had been buried, to be taken away, ſaying, that they wore them by Uſurpation. The Emperor *Henry* his Son, was of the very ſame Opinion; and therefore annull'd all the Acts, Privileges and Donations, and all other Contracts made in the Names of theſe Princes, looking upon them as Tyrants and Uſurpers, and not lawful Princes, but he always call'd *Roger* and *William* his Predeceſſors.

BUT this Year 1195, while *Henry* was thus employ'd in *Sicily*, *Conſtantia* left *Germany*, and on her way to *Sicily*, in the City of *Eſi* in *Marca d'Ancona*, brought forth a Son, who, perhaps, as a Preſage of what was to happen, or rather an Inducement to Virtue, was call'd after his two Grandfathers, *Frederick Roger*, by ſome, *Roger Frederick*. This Hero, according to the Chronicle of *Monte Caſſino*, *Riccardo da S. Germano*, and *Albertus* Abbot of *Stade*, was Born this Year 1195[4], and in this obſcure City of *Marca d'Ancona*; ſo that the Place of his Nativity had a great Reſemblance with that of his Death, which was *Florentino*, likewiſe an obſcure Place of *Puglia*. *Inveges*[5], who by all means will have him to have been born in *Palermo*, follows the Opinion of the Moderns, contrary to that of *Riccardo da S. Germano*, and the moſt antient Writers; and upon a falſe Suppoſition, that *Conſtantia* and *Henry* had been crown'd in *Palermo* in the Year 1194, it appears incredible to him, that ſhe could be brought to Bed in *Eſi* the Year following. And he is certainly in the Right on it, but *Conſtantia* did not go to *Sicily* till this Year 1195, as theſe antient Hiſtorians relate. He was born when his Mother *Conſtantia* was but 37, or at moſt 39 Years of Age; and being born amidſt the Inconveniencies of a Journey, that he might not be expos'd to greater Dangers, his Mother gave him to be nurs'd by the Dutcheſs of *Spoleto*, and the Care of him was committed to her and *Alberto*, by ſome call'd *Corrado*, Duke of *Spoleto*, and Count of *Aſſiſi*, her Husband [1], who three Years after caus'd him ſolemnly to be baptiz'd in the City of *Aſſiſi*, in the Preſence of fifteen Biſhops, and many Cardinals, and he was nam'd *Frederick Roger*, after his Great Grandfathers. This Solemnity in Preſence of ſo great a Number of Cardinals, and other Prelates, after ſo long a Delay, and the idle Story ſpread amongſt the Common People, of his being a Suppoſititious Child, gave Riſe to that fabulous Story written by *Cranzius*, in a Book which he compos'd concerning the Metropolis of *Saxony*, from whom other Modern Writers have taken it, that the Empreſs, by reaſon of her old Age, being paſt Childbearing, and according to theſe Writers 55, or as ſome of them will have it, 60 Years of Age, was brought to Bed of *Frederick* in a Tent on the Middle of the Market-Place, in Preſence of all the Women of the Town, that had a mind to ſee her; and that in order to remove all Suſpicion, on her way to *Palermo*, ſhe travell'd with her Breaſt naked, and expos'd dropping Milk, as the Author of the Preface to the *Capitula* of the Kingdom of *Sicily* does not ſtick to write. For removing the Suſpicion the Vulgar had conceiv'd, that the Child was Suppoſititious, Pope *Celeſtine*, before he would inveſt *Frederick* with the Kingdom of *Sicily*, was forc'd to make *Conſtantia* ſwear, that he was begotten by her Husband *Henry*; and the Reaſon of this Oath, was not that ſhe was look'd upon as paſt Childbearing for old Age, but to ſmother the Report of the Impoſture ſpread among the Vulgar; and when *Marcovaldus d'Amenuder*, was making War againſt *Frederick* in *Sicily*, he wrote to Pope *Innocent*, who had ſucceeded *Celeſtine*, that he would clearly prove the Impoſture; the good Pope, who thought the Mother's Oath ſufficient Proof, would give no Ear to *Marcovaldus*, but rejected his Offer. Whence proceeded the Story afterwards of *Conſtantia*'s being ſo old, that ſhe was paſt Childbearing when ſhe brought forth *Frederick*, and of her being bred up from a Child in the Monaſtery of the *Greek* Nuns of S. *Baſil* in *Palermo*, with other fabulous Stories, which we have already diſprov'd.

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[1] Conſtit. Cum hæreditarium Regnum noſtrum Siciliæ, cujus præclara hæreditas, &c. lib. 3. tit. 23.

[2] Lib. 1. in Proœm. Cum igitur Regnum Siciliæ noſtræ Majeſtatis hæreditas pretioſa, &c.

[3] Epiſt. apud Baron.

[4] Pellegr. in Chron. Caſſ. Anno 1195.

[5] Inveg. lib. 3. hiſt. Paler.

IN the mean Time the Emperor *Henry*, after he had inveſted *Moſca in Cervello* with the County of *Moliſe*, which had been taken from *Mandra*, who, being expell'd the Kingdom, died ſoon after, reſolving to return to *Germany*, went to *Puglia*, and call'd an Aſſembly, where *Conſtantia* was preſent, who ſhortly after return'd to *Sicily*, and *Henry* ſet out for *Germany*, and carried *William* and all the Priſoners abovenam'd along with him, whoſe Liberties Pope *Celeſtine* had in vain ſollicited. He likewiſe took with him all the Gold and Jewels he could lay hold of; and robb'd the Treaſure and Furniture of the Royal Palace, conſiſting of Veſſels of the pureſt Gold and Silver, Foot-ſtools, Bedſteads, and Tables of the ſame Metal, and Cloth of Gold and Purple, amaſs'd by the former Kings; with which he loaded a Hundred and fifty Beaſts of Burden. Thus did the *Sicilians* ſee the Spoils of their Kingdom carried off like thoſe of a conquer'd People, by a foreign and rapacious Enemy. Theſe and greater Miſeries which the *Sicilians* ſuffer'd by the *Germans*, and *Henry* their Maſter, *Ugone Falcando*, in the Preamble to his Hiſtory dedicated to *Pietro* Archbiſhop of *Meſſina*, laments and deſcribes at large.

AFTER *Henry* was gone for *Germany*, *Riccardo di Medania* Count of *Cerra*, Brother-in-Law to the late King *Tancred*, on his way to *Campania di Roma*, whither he was going to ſhun *Henry*'s Cruelty, being betray'd by a Fryar, was made Priſoner by *Diepoldus Alemannus*, who kept him cloſely ſhut up in the Caſtle of *Arce*, till the Emperor ſhould return to *Italy* in order to deliver him up to him. In the mean Time *Henry* ſent the Biſhop of *Worms* his Ambaſſador, who was no ſooner arriv'd at the City of *Naples*, accompanied with the Abbot *Roffredo*, and many Soldiers, both Natives and *Germans*, than he cauſ'd the Walls of the City to be levell'd with the Ground; and according to *Riccardo da S. Germano* [1], *Capua* had the ſame Fate. And the Emperor having aſſembled a vaſt Army in *Germany*, conſiſting of *Suevians*, *Bavarians*, *Franconians*, and other Nations, to the Number of Sixty thouſand, under pretence to ſend them on an Expedition beyond Sea, but in reality, according to *Arnoldus Lubecenſis*, to exterminate all the *Normans*, and particularly thoſe, who had ſided with King *Tancred* againſt him, he came into *Italy*, and after ſome Days ſtay in *Ferentino*, he march'd to *Capua*, where having cauſ'd all the Barons to be conven'd to hold a General Aſſembly, *Diepoldo Alemanno* deliver'd up to him Count *Riccardo*, whom he ſhamefully cauſ'd to be tied to a Horſe's Tail, and dragg'd through all the moſt dirty Streets, and at laſt hung up by the Feet; and after he had liv'd for two Days in this Torment, the Emperor order'd a *German* Buffoon to tie a Rope, with a great Stone made faſt to it, about his Neck, and in this manner he was cruelly ſtrangled [2]. Then the Emperor held his Parliament, and laid a Tax upon all the People of the Kingdom, and made *Diepoldo Alemanno* Count of *Cerra*, and ſent *Oddo*, *Diepoldo*'s Brother, to beſiege *Roccaſecca*, to which *Rinaldo* and *Landolfo*, two Brothers of the Family of *Aquino*, had fled to defend themſelves againſt ſo cruel an Enemy, and then he went to *Sicily*, where he cauſ'd all the *Normans* to be put to Death after cruel and different manners, not ſparing the very Children; and to be reveng'd of thoſe *Normans* of the firſt Rank, and Royal Blood, who had had a hand in the Crowning of King *Tancred*, he cauſ'd Crowns to be nail'd to their Heads, till in that cruel manner they died. He likewiſe impriſon'd *Margaritone* a famous Captain, Duke of *Durazzo*, Prince of *Taranto*, and High Admiral, and order'd his Eyes to be put out, and his Teſticles to be cut off.

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[1] Act. Inn. III. Apud Baron. Anno 1197. Conrado nomine Suevo, qui antea creatus fuerat Dux Spoleti & Comes Aſſiſii, uti fideliſſimo ſibi ſubdito, & amico, gentili ſuo, atque Duciſſæ ejus Conjugi.

THE Empreſs *Conſtantia* ſeeing her Husband treating her *Normans* in this barbarous and cruel manner, and his wicked Inclination bent to extinguiſh her Royal Race, not able to bear ſuch malicious Doings, revolted from him [3]; and having combin'd with the Chief Men of the Kingdom, and laid hold of the Royal Treaſure, ſhe rais'd an Army againſt him; whereupon the Barons became more bold, openly revolted, and kill'd all the *Germans* that fell in their way, and they would not have ſpar'd the Emperor himſelf, if he had not fled and taken ſhelter in a ſtrong Caſtle. But he reſolving to go to a more ſecure Place, was ſo beſieg'd on all Sides by the *Sicilians*, that, not able to make his Eſcape, to extricate himſelf from the Danger he was in, he agreed to whatever Conditions his Wife ſhould be pleas'd to impoſe upon him; ſhe order'd, that upon his being ſet at Liberty, notwithſtanding the Marriage Contract, he ſhould immediately repair to *Germany*. But he, unwilling to put a Stop to the foreign Expeditions which he intended, order'd Matters ſo, that at laſt he was reconcil'd to his Wife and the diſaffected Barons; whereupon he imbark'd his great Army in a numerous Fleet for *Syria*, which ſtruck great Terror into *Alexius Angelus*, who had dethron'd his Brother *Iſaac*, and was now Emperor of *Conſtantinople*; for having ſent Ambaſſadors to tell *Alexius*, that he muſt reſtore all the Country which King *William* had formerly conquer'd in *Greece*, which reach'd from *Epidaurus* to *Theſſalonica*, or pay him what Tribute he ſhould impoſe upon him; the *Greek* Prince, terrified at the Power of the Emperor *Henry*, durſt not refuſe the Condition offer'd, but only begg'd to have the yearly Payment moderated; and ſent ſome Perſons well skill'd in ſuch Matters over all his Empire, to collect all the Gold that could be got, not only from private Men, but alſo from the Churches, and not to ſpare the Sacred Veſſels, and the Sepulchres of the Dead, in which, according to the Cuſtom of thoſe Times, great Sums of Money were laid in Honour of the Perſons buried therein; till they had made up fifteen Talents, the Sum demanded by *Henry*.

WHILE theſe Matters were tranſacting in *Greece*, the Imperial Army ſet ſail for the Eaſt, and was commanded by *Conrade* Biſhop of *Idelma*, and Chancellor of the Empire, who in the Emperor's Abſence had govern'd in *Sicily*, and after a proſperous Voyage landed at *Acon* in *Paleſtine*.

ABOUT the ſame Time, when the Emperor was beſieging *Caſtel Giovanni*, which had revolted, being taken ill, he retir'd to *Meſſina*, where his Sickneſs increas'd to that Degree, that ſoon after, on the 29th of *September* 1197, he departed this Life[1]; his Cruelty made the News of his Death not only acceptable to the Emperor of *Conſtantinople*, who dreaded him much, but likewiſe to all the People of *Sicily* and *Puglia*.

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[1] Ricc. da S. Germ.

[2] Cron. de Foſſa nov.

[3] Roger. Hovenden. Annal Anglor.

HENRY, according to *Goffredo da Viterbo*, was a Man of a genteel and noble Appearance, but his wicked Actions ſhew'd him to be of a faulty Diſpoſition of Mind, cruel, perjur'd, and faithleſs, moſt covetous of Money, and an Enemy to the Popes, by whom he was excommunicated for making *Richard* King of *England* Priſoner, and taking Money for his Ranſom, and for ſeizing *Niccolo d'Ajello* Archbiſhop of *Salerno*; and dying under the Cenſures of the Church, he was not buried in holy Ground. But from his laſt Will, which was afterwards found, and as ſoon as he fell ſick, his having ſent the Biſhop of *Bethune* to King *Richard*, with the Money he had paid for his Ranſom[2], it's evident that he repented him of his by-paſt Miſdeeds.

AFTER his Death, the Empreſs *Conſtantia* immediately ſent the Archbiſhop of *Meſſina* to the Pope, to beg of him to allow her to bury his Body in the Church; and likewiſe, that he would give Orders to raiſe the Siege of *Marca di Guarniero*, wherein *Marcovaldus* of *Menuder*, a *German*, and Chief Juſtice of the Empire, was cloſely beſieg'd by the *Romans*; and that moreover, he would cauſe her Son *Frederick* to be crown'd King of *Sicily*, and give him the uſual Inveſtiture[3]. To the firſt Requeſt, the Pope anſwer'd, that the Emperor's Body could not be buried till all Matters were accommodated with the King of *England*. To the Second, that *Marcovaldus* could not be reliev'd without the Conſent of the *Romans*; and to the Third, that *Frederick* ſhould be crown'd King of *Sicily*, provided his Brethren the Cardinals would likewiſe give their Conſent: When they conſented, the Coronation was order'd to be perform'd, upon Payment of a thouſand Marks of Silver to the Pope, and as much to the Cardinals; and beſides, the Pope oblig'd *Conſtantia* to ſwear upon the Holy Evangels, that *Frederick* was born in lawful Wedlock contracted betwixt her and *Henry*.

THE Emperor before he died made a Will, part of which is recorded by *Baronius* in his Annals, which he ſays he gathered from the Life of Pope *Innocent* ſent him by Cardinal *Carlo de Conti*, found by him in the Archives of *Avignon*, while he was Legate there, written in a very antient Character; and it bears, that this Will was found among the Baggage of *Marcovaldus* after he had been defeated by the *Romans*, not in *Marca d'Ancona*, but in a Battle which we ſhall have occaſion to mention in the following Book. And this Teſtament, full of Piety, ſhews that he repented him of his by-paſt Faults, and ſince he could make no other Reparation for them at the Point of Death, it lets us ſee that he was willing they ſhould at leaſt be mended by his Heir. By Virtue of which Will, according to *Roger Hovenden*'s Annals of *England*, the greateſt Part of *Tuſcany*, which he and the preceding Emperors had taken, to wit, *Acquapendente*, *Santa Criſpina*, *Monte de Faliſci*, *Radicofano*, and *S. Quirico*, with all their Territories and Juriſdictions, and many other Places depending on the Pope, were reſtor'd to the Church by *Conſtantia*.

MATHEW PARIS likewiſe relates, that *Henry* left to the Friars of the *Ciſtercian* Monaſtery, Three thouſand Marks of Silver out of the Money paid by King *Richard* of *England*, in order to make Cenſers for all that Order, but that the Abbot refus'd the Preſent, as unjuſtly acquir'd.

AT laſt Matters being adjuſted with *England*, the Pope conſented that *Henry*'s Body ſhould be buried, which was accordingly done in the Cathedral Church of *Palermo*, under a rich Tomb of Porphyry, which is to be ſeen at this Day. His Army, which not long before his Death arriv'd in *Paleſtine*, under the Command of Biſhop *Conrade*, hearing of his Death, and that *Saladin*'s Son was come into *Paleſtine* againſt them, were ſo ſtruck with the bad News, that though the Soldiers were diſpos'd to ſtand their Ground and fight gallantly, yet all the principal Officers, except the Biſhops of *Verdun* and *Mentz*, ſhamefully fled; the Biſhop of *Mentz*, by Order of the Pope, went afterwards and crown'd the King of *Armenia*, who had earneſtly deſir'd it.

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[1] Ricc. da S. Germ. Rog. Hoven. Ann. Ang. Cron. di Foſſa Nova. Pirri in feſto S. Michaelis.

[2] Rog. Hoven. Annal. Ang.

[2] Idem, Ann. Ang.

BUT now, after all theſe Tranſactions, Pope *Celeſtine*, after he had govern'd the Church Seven Years, died in *Rome* the Sixth Day of *January*, in the Year 1198, and *Giovanna Lotario*, Cardinal of St. *Sergius*, of noble Birth, not above Thirty Years of Age, of a moſt courteous Behaviour, and the greateſt Scholar and Lawyer of his Time, was elected in his Place, and call'd *Innocent* III.

CHAP. II.

The Empreſs Conſtantia *takes the Government of the Kingdom. Her Death; and an End of the Royal Race of the* Normans.

IN the mean time the Empreſs *Conſtantia*, ſeeing how much the *German* Soldiers, and their Commander in Chief *Marcovaldus*, a Man of a diſſolute Life, extreamly Cruel and Rapacious, were hated by her Subjects, for the Quiet of her Kingdom, diſmiſs'd them, with Orders to march forthwith out of *Puglia* and *Sicily*, and never to return without her Liberty [1]; whereupon they all march'd away, and *Marcovaldus* went to the County of *Moliſe*, which *Henry* had given him on the Death of *Moſca in Cervello*, and that he might not be moleſted by the inrag'd Natives, or ſtopp'd by *Pietro* Count of *Celano*, or the Cardinals, who ſtay'd in the Kingdom, the Empreſs gave him a ſafe Conduct or Paſs; and having left *Caſtellains* in the Forts of the ſaid County, he went to *Marca d'Ancona*, of which he had been made Marquis by *Henry*, where he remain'd till *Conſtantia* died, and then return'd to *Puglia*, where he did much Miſchief, as ſhall be told.

AS ſoon as *Innocent* III. was crown'd Pope, he left no Stone unturn'd to get Queen *Sibilia*, her Son *William*, and her Daughters, *Niccolo* Archbiſhop of *Salerno*, his Brothers, and the other *Sicilian* Barons and Natives, ſet at Liberty; for though the Emperor was dead, yet they were ſtill kept Priſoners in *Germany*; and for that end he ſent Three Letters, the firſt directed to the Archbiſhops of *Spires*, *Strasburg* and *Worms*, wherein he enjoin'd them to excommunicate all thoſe who had a Hand in keeping the Archbiſhop of *Salerno* Priſoner, if they did not forthwith ſet him at Liberty, and ſend him honourably to *Rome*; and likewiſe to excommunicate the whole Province in which he was Priſoner: the Second was to the Biſhop of *Sutri*, and the Abbot of St. *Anaſtatius*, ordering them to abſolve *Philip* Duke of *Savoy*, *Henry*'s Brother, from the Excommunication he had incurr'd, for having invaded and poſſeſs'd the Eſtate of the Church, provided he would procure the Liberty of the foreſaid Prelate: and the Third was to the ſaid Biſhops and Abbot, injoining them, that if Queen *Sibilia*, *William* and his Siſters, and all the other Priſoners were not reliev'd from Priſon, to excommunicate all thoſe that ſhould detain them, and interdict their Baronies [2]. Therefore Duke *Philip*, who had married *Irene* the *Greek*, Widow of young *Roger* King of *Sicily*, mov'd with Compaſſion for theſe unfortunate Ladies, and alſo in Obedience to Pope *Innocent*, ſet them at Liberty, and ſent them to the Pope in *Rome*, except *William*, who had died a little before in Priſon; but what became of them afterwards, and of *Walter* Duke of *Brenna*, who married one of theſe Ladies, and with arm'd Force enter'd *Terra di Lavoro*, ſhall be related in the following Book of this Hiſtory. The Archbiſhop of *Salerno*, and the Counts *Riccardo* and *Ruggiero* his Brothers, likewiſe got their Liberty, return'd to *Salerno*, and liv'd long after.

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[1] Ricc. da S. Germano.

[2] Geſta Inn. III. V. Baluz. Epiſt. Inn.

IN the mean time the Empreſs caus'd her Son *Frederick*, who was ſtill in the Hands of the Duke of *Spoleto*, to be conducted to *Sicily* by the Counts of *Celano* and *Loreto*; and ſhortly after ſhe demanded of the Pope the Inveſtiture for herſelf and *Frederick*, which he ſtiffly refus'd, not willing to give it in the ſame Manner that Pope *Adrian* gave it to *William* I. and though *Conſtantia* offer'd to reward him liberally, yet he was unmoveable, unleſs Four Articles, of which we ſhall ſpeak hereafter, formerly ſtipulated with King *William*, were annull'd, to which the Queen conſented, and got the Inveſtiture of the Kingdom for herſelf and Son, from the Hands of the Cardinal of *Oſtia*, who went to *Palermo* as Legate of the Holy Church, where he crown'd them both, and took their Oath of Fealty, and a Promiſe of a yearly Quit-rent of 600 *Schifati* for *Puglia* and *Calabria*, and of 400 for *Marſia*. *Baronius* has recorded this Inveſtiture, wherein are the following Words: *Quoniam Regnum Siciliæ in Apoſtolicæ ſedis fide adhuc permanſit, & Rogerius quondam pater tuus, & Willielmus frater, & Willielmus nepos Reges Apoſtolicam Sedem, & Prædeceſſores noſtros ſumma conſtantia coluerunt, &c. concedimus Regnum Siciliæ, Ducatum Apuliæ, & Principatum Capuæ, Neapolim, Salernum, Amalfim, Marſiam, cum iis quæ ad horum ſingula pertinent.* 'Tis likewiſe recorded by *Chioccarelli*[1] and *Rainaldo*[2], and related by *Innocent* III. himſelf in one of his Letters[3]. *Innocent* alſo wrote a Letter or Brief, preſcribing to her the Method ſhe was to obſerve in the Election of Biſhops over all her Dominions, much reſtricting that Authority, which by virtue of the antient Privileges and Agreements, made betwixt *William* I. and Pope *Adrian*, the Kings of *Sicily* had in theſe Elections; of which we ſhall have occaſion to diſcourſe, when we come to treat of the Eccleſiaſtical Polity: Wherefore *Frederick* II. was wont to complain, that *Innocent* had trick'd his Mother when he was a Child; but that he would not in the leaſt ſuffer the antient Rights and Privileges of the Kings of *Sicily* to be diminiſh'd; which made him odious to the Popes, and was one of the Cauſes of the many Jars and Wars, with which *Europe* was long afflicted, as ſhall be related in the following Books of this Hiſtory.

BUT the Empreſs *Conſtantia*, the laſt of the lawful Heirs of King *Roger*, falling ſick in *Palermo*, departed this Life on the Fifth Day of *December* 1198. She was buried in the Cathedral Church of the ſame City, under a Tomb of Porphyry, cloſe by her Husband, and the Inſcription, according to *Baronius*[4], ingraven by the Direction of a certain *Ruggiero Paruta*, a Canon of *Palermo*, not well acquainted with the Truth of her Hiſtory, contains the fabulous Story of her being a Nun, and old when ſhe was married to *Henry*.

CONSTANTIA, by moſt wicked and pernicious Advice, in her laſt Will, which ſhe made Two Days before ſhe died, left the Care and Guardianſhip of her Son and his Kingdom to *Innocent* III. This Deed not only occaſion'd terrible Diſorders, and pav'd a Way for the Popes in many Things, to incroach upon the Kingdom, as may be ſeen in the following Book; but likewiſe was the Foundation of their other pretended Claim of their being Adminiſtrators of the Kingdom, during the Minority of the Kings, even though they were not appointed Guardians by the preceding Prince, they pretending that it belongs to them by Right, as direct Lords, which *Clement* IV. actually made a ſpecial Condition in the Inveſtiture which he gave to *Charles* of *Anjou*; and in the Courſe of this Hiſtory we ſhall find many Diſorders and Debates in this our Kingdom, on account of theſe Pretenſions.

THUS in *Conſtantia*, ended the Royal Race of the *Normans*, which, from the Year 1130, when *Roger* aſſum'd the Crown in *Palermo*, had glorioſly govern'd the Kingdoms of *Puglia* and *Sicily* with Royal Title, the Space of Sixty-eight Years: Princes, who, for their noble and commendable Actions, are worthy of glorious and immortal Memory, who, in the middle of Two Empires, eſtabliſh'd in *Italy* the moſt powerful and noble Kingdom that was in theſe Times in all *Europe*; and under *Roger*, and the Two *Williams*, made both the Weſt, and the utmoſt Parts of the Eaſt to tremble. However, the *Norman* Blood was not quite extinguiſh'd in theſe our Provinces. There remain'd many Barons and *Norman* Counts, who, for a long Series of Years tranſmitted their Counties and illuſtrious Blood to their Poſterity; and on good Grounds, ſome of our Barons at preſent boaſt of their Deſcent from ſo renown'd and noble a Stock. And at the ſame Time we ſee how ſo famous a Kingdom, after the Death of *Conſtantia*, the laſt of that illuſtrious Houſe, paſs'd from the *Normans* to the *Suevi*. With the Death of *Conſtantia*, after we have related the Eccleſiaſtical Polity of this Century, we ſhall put an End to this Book, for the great and glorious Actions of *Frederick* her Son, calling us to more noble and famous Enterprizes, will furniſh very ample and bright Matter for the following Books of this Hiſtory.

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[1] Chioc. tom. 1. MS. jur.

[2] Raynal. ad ann. 1198. num. 67.

[3] Inn. Ep. tom. 1. lib. 1. fol. 203.

[4] Baron. ad Ann. 1198.

[5] Riccardo da S. Germano, Inn. Epiſt. lib. 1. Epiſt.

CHAP. III.

The Eccleſiaſtick Polity of theſe our Provinces throughout all the Twelfth Century, to the Reign of the Suevi.

IN this Century the Eccleſiaſtick State made a more ſhining and bright Figure than ever. The Popes, exalted above all the Kings of the Earth, extended their Power over all Kingdoms and Provinces; and the very Kings thought it their greateſt Honour to own themſelves their Vaſſals, and render their Kingdoms tributary to the Apoſtolick See; for the Popes had made themſelves Sovereigns in *Rome*, and diſclaim'd all Dependence upon the Emperors; and they made good their Pretenſion of making Emperors. *Rome* was become the general Court, to which not only all Eccleſiaſtical, but alſo Civil Cauſes, from all the Dominions of *Europe* were carried, and the Princes, with great Submiſſion, were at the Beck of the *Roman* Pontiffs; and in the Time of *Innocent* III. the Papacy was at its higheſt pitch of Grandeur. For the moſt part Councils were call'd by the Popes, or their Legates, wherein they made ſuch Regulations, as they judg'd moſt conducive to their Grandeur; and the Biſhops were only to give their Conſent. Appeals of all kinds, and from all Perſons, were become ſo frequent, that there was no Affair whaſoever, but was immediately carried to *Rome* The Popes had, for the moſt part, ingroſs'd the conferring of Biſhopricks, becauſe they were Judges of the Validity of Elections, though theſe belong'd to the Clergy, as the Ordinations did to the Metropolitans. For this end they exalted the Dignity of the Cardinals to that degree, that they were look'd upon not only as ſuperior to Biſhops, but alſo to Patriarchs and Primates; and eſpecially they confin'd the Power of electing the Pope to them. In order to demonſtrate their unlimited Power, and at the ſame time to make advantage by it, there was nothing could happen, for which Diſpenſations were not eaſily obtain'd at *Rome*, which ſo enervated the Eccleſiaſtical Diſcipline, that it provok'd St. *Bernard* to declaim againſt the Abuſe of theſe Diſpenſations, as one of the great Corruptions introduc'd into the Church.

BUT above all, what rais'd the Papacy to the Pinacle of its Glory, was, that all Diſputes that happen'd betwixt the Princes of *Europe*, and Controverſies among the greateſt States, were referr'd to *Rome*, to be decided by the Pope, of which the many Letters aud Decretals of *Innocent* III. are flagrant Proofs. The Kings of *England*, *France* and *Spain*, paid moſt profound Obedience to that See. The moſt important Affairs of their Kingdoms were manag'd by Prelates. In the Kingdoms of *Puglia* and *Sicily*, the Archbiſhops of *Palermo*, *Salerno*, *Meſſina*, *Catania*, and many other Eccleſiaſticks, had the Direction of the moſt weighty Affairs of the

Crown. The moſt conſpicuous Embaſſies were intruſted to them; and they had the Charge of the King's Houſhold. They were of the King's Council, and gave their Advice in Matters of the greateſt Conſequence.

THEREFORE they neglected the ſpiritual Government of their Churches, and only minded the Affairs of State, and acquir'd to their Churches Juriſdictions, Prerogatives and Honours, but eſpecially temporal Riches; and by the Favour of Princes, their judicial Power was inlarg'd; for the Biſhops being commonly of the King's Council, was the Cauſe of a vaſt Addition to the Authority of the Epiſcopal Courts; and we have ſeen, that the Archbiſhop of *Palermo* obtain'd from King *William*, that the Eccleſiaſtical Judges ſhould take Cognizance of the Crime of Adultery; and the Empreſs *Conſtantia* Queen of *Sicily*, directed an Edict to the Counts, Juſtices, Barons, Chamberlains and Bailiffs of the Dioceſs of *Penne*, in which ſhe expreſly prohibits them to take Cognizance of the Crimes of Adultery, but to leave them to the Eccleſiaſtical Juriſdiction; and if there had been Violence made uſe of in committing the Crime, the Eccleſiaſtical Judge was to take Cognizance of the Adultery, and the ſecular Magiſtrate of the Violence, which we read in the Edict dated in *Palermo*, in the Year 1197, and recorded by *Ughellus* in his *Italia Sacra*[1]. Beſides, the Eccleſiaſticks as more learn'd than the Laicks, were look'd upon as more fit, and better qualified to adminiſter Juſtice, whence the People were eaſily induc'd to ſubmit to them as Judges, and moreover, the Church not having the Power to condemn to Death, nor even to Fine, every body, in order to be more gently treated, did not only not decline, but deſir'd to be ſubject to her Judgment. But what moſt contributed to the Increaſe of their Power, was, that Kings, Princes and Judges did not mind their judicial Power, looking on it rather as burdenſome than lucrative; becauſe they officiated Gratis, and could exact no Emoluments from the Parties, as now a Days. And more than that, when there happen'd any Struggle about Juriſdiction, the Eccleſiaſticks fulminated Excommunications, as may be inferr'd from a Cuſtom then among us, of excommunicating all thoſe who oppos'd the Juriſdiction of the Church, every *Sunday* at Maſs.

THUS the Authority of the Spiritual or Epiſcopal Courts arriv'd at its Height: The Biſhops at firſt, charitably interpos'd their good Offices, in making up Differences among the Faithful, by way of amicable Compoſition; afterwards, by the Favour of Princes, they acquir'd Juriſdiction, and a Privilege to adminiſter Juſtice to contending Parties: In proceſs of Time, to eaſe themſelves of this Trouble, they appointed Officers to adminiſter Juſtice, and erected Tribunals with proper Judges, and conſtituted Clerks or Notaries to ingroſs their Proceedings; and in fine, thinking it too burthenſome to teach the Myſteries of the Chriſtian Faith, or adminiſter in holy Things themſelves, they eſtabliſh'd Profeſſors of Theology, to teach in the Cathedral Churches; and thus freeing themſelves from the Performance of their ſacred Offices; they gave themſelves up intirely to Secular, Political and State Affairs. Hence it was neceſſary to provide the Epiſcopal Court with a new Body of Eccleſiaſtical Laws; this gave Riſe to *Gratian*'s Decree, for the better eſtabliſhing the Eccleſiaſtical Juriſdiction, and the Papal Grandeur.

SECT. I.

New Collections of Canons, and Gratian's *Decree.*

THE Collections, which were made in the preceding Century, were the firſt, wherein the Canons are diſtributed according to the Subjects; but were almoſt all polluted with the many fabulous Stories of *Iſidore* inſerted among them. *Burcardus* Biſhop of *Worms*, compos'd one divided into Twenty Books, which he intitled *Magnum Canonum Volumen* [1]. There's another attributed to *Anſelm* Biſhop of *Lucca*; but though it bears his Name, yet another muſt have been Author of it; for it contains ſome Decrees of *Urban* II. and of other Popes his Succeſſors, who liv'd after *Anſelm* [2]. There's another of *Adiodatus* Cardinal of St. *Eudoxia*, made about the Year 1087, at the Command of *Victor* III [3]. The other of *Gregory the Prieſt*, intitled *Policarpus*, and that of *Bernardo di Pavia*, intitled, *Populetum*, have never been printed, but are preſerv'd in Manuſcript in the *Vatican* Library [4]. But that which *Ivo* of *Chartres* compil'd about the End of the preceding Century, eclips'd all the others. He divided it into Seventeen Parts, and intitled it *Decretum*. As for the other, intitled *Pannomia* or *Pannormia*, attributed to the ſame *Ivo*, there are ſome, who make *Hugo* a *Catalan*, Author of it [5]. Theſe were the moſt famous Collections in theſe Times, and which our Churches made uſe of, till that ſo noted one of *Gratian* appear'd, which obſcured all the reſt, and was receiv'd with ſuch Applauſe by the Canoniſts, that it was publickly taught in the Schools, and in a ſhort Time had ſo many Commentators, that it was look'd upon as the principal Part of the Canon Law.

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[1] Ughel. in Appendice tom. 7. de Epiſc. Pennenſ. p. 1327. Judicetur ab ipſa Eccleſia de ipſo Adulterio, quod ſpectat ad Judicium ipſius Eccleſiæ; & de eo quod ſpectat ad Judicium Curiæ noſtræ de inſultu, & violentia, judicetur ab ipſa Curia noſtra, &c. Dat. Panormi ann. 1197.

GRATIAN was a Monk of the Order of St. *Benedict*, who, in the Pontificate of *Alexander* III. taught Divinity in *Bologna*. He was born in *Chiuſi*, a City of *Tuſcany*, and it was reported that he was begotten in Adultery, and *Peter Lombard*, call'd *Magiſter Sententiarum*, and *Peter Comeſtor*, a Writer of Scholaſtick Hiſtory, were ſaid to be his Brothers, begotten the ſame Way; 'tis likewiſe ſaid, that their Mother could never be brought to repent her of the Adulteries committed in begetting them, but ſaid ſhe was well pleas'd, that ſhe had brought into the World Three famous great Men; and though her Confeſſor rebuk'd her, yet not able to prevail upon her, he at laſt injoin'd her, at leaſt to expreſs her Sorrow for her want of Repentance. But *Guido Pancirolus* [6] confutes all this Story as fabulous, eſpecially, becauſe they were not of the ſame Country, for *Gratian* was born in *Chiuſi*, *Peter Lombard* in *Novara*, and *Comeſtor* in *France*.

GRATIAN compil'd this Collection in *Bologna*, in the Monaſtery of St. *Felice*, about the Year 1151, in the Pontificate of *Eugen* III. [7], and intitled it *Concordia diſcordantium Canonum*, and divided it into Three Parts. The firſt contains the Principles, and what regards the Canon Law in general, and the Rights and Privileges of Eccleſiaſtical Perſons, under the Title of *Diſtinctiones*. The ſecond contains the Deciſion of ſundry particular Caſes, by the help of which, many Queſtions are ſolv'd; and it's intitled *Cauſæ*. The third has for Title, *De Conſecratione*, becauſe it treats of what belongs to the Eccleſiaſtical Miniſtry, the Sacraments, Rites, Ordinations, and Conſecrations. He preſented it to Pope *Eugen*, but it does not appear that he confirm'd it; yet though it was not approv'd of by a publick Law of the Popes, it had both Authority and Force. It was receiv'd with ſo great Applauſe, that the Popes themſelves made uſe of it, and tacitly promoted it, in order to raiſe their own Authority, and pull down that of the Emperor and other Princes; whence, in the Time of *Frederick Barbaroſſa*, aroſe the *Decretiſtæ* of the *Guelf* Faction, who ſtood up for the Pope, in oppoſition to the *Ghibellins* [8]. Though this Work be ſo erroneous, immethodical, and confus'd, that the Induſtry and Care of many famous Profeſſors have not been able to poliſh and clear it altogether [9]; yet for all that, it gain'd ſo much Authority, that it ingag'd all the learn'd Men, and greateſt Divines of theſe Times to comment on it, and explain it; and its Authority was of great Weight in the Courts of Juſtice; inſomuch that *Gratian* was commonly call'd the *Maſter*; and his *Decree* was publickly taught in the Academies, and thoſe who taught it, were adorn'd with the Title of *Doctor*, which Dignity was conferr'd by the means of a Rod, whence they were firſt call'd *Batchelors* [10]. The Opinion which the Academy of *Bologna* had of it, likewiſe added to its Authority, which Academy in thoſe Times, was more noted than all thoſe of *Italy* or *France*; beſides, the great Number of Gloſſators made it famous.

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[1] V. Maſtricht Hiſt. jur. Canon. num. 250.

[2] V. Anton. Auguſt. de emend. Grat. part. poſt. cap. 5. & ibi Baluz. ſect. 19.

[3] V. Maſtric. num. 273.

[4] Idem num. 274.

[5] Anton. Auguſtin. lib. 2. Dialog. 5. Stephan. Baluz. in Præfat. num. 20. V. Struv. Hiſt jur. Canon.

[6] Pancirol. de Clar. leg. Interpr. lib. 3. cap. 2. pag. 405.

[7] V. Maſtric. num. 304. Struv. hiſt. jur. Canon. ſect. 17.

[8] Idem loc. cit. ſect. 19.

[9] V. Anton. Auguſtin. de emendat. Grat.

[10] Pancir. lib. 2. cap. 3.

THE firſt of theſe were *Lorenzo da Crema*, *Vincenzo Caſtiglione*, a great Canoniſt of *Milan*, and *Ugone de Vercelli*. Theſe were follow'd by *Tancredi da Corneto*, Archdeacon of *Bologna*, who about the Year 1220. made his Gloſſes there; *Sinibaldo Fieſchi*, who was afterwards Pope under the Name of *Innocent* IV. and *Giovanni Semeca*, call'd *Teutonico*, who improv'd all the former Gloſſes, and adding his own, did by the Decree, what *Accurſius* did by the Pandects [1]. There appear'd afterwards a vaſt Number of other Gloſſators, ſuch as *Bernardo Bottone*, *Goffredo*, *Egidio da Bologna*, and others; among which *Bartolomeo da Breſcia*, a Diſciple of *Vincenzo Caſtiglione*, excell'd, who about the Year 1256, added his own Gloſſes to thoſe of *Giovanni Teutonico*, which he corrected, improv'd, and in many Parts alter'd. When *Gregory* XIII. order'd *Gratian*'s Decree to be reform'd, the *Roman Expurgators* had a great deal of Work upon their Hands, not only in purging the Body of the Decree, but likewiſe in clearing it from the Multitude of Abſurdities, which theſe Canoniſt Gloſſators had added to it; whence the Proverb, *Magnus Canoniſta, magnus Aſiniſta* [2].

IT was thought in theſe Times, that *Gratian*'s Decree was ſufficient to raiſe the Pontifical Authority to the higheſt Pitch it was capable of; but in proceſs of Time, as Things alter'd, this Work fell ſhort of their Expectation; ſo that the *Decretal* ſucceeded the *Decree*, which likewiſe came ſhort of the Deſign; but from Time to Time as the Authority of the Popes increas'd, new Rules were made; whence, in Emulation of the Body of the Civil Law, they made the *Decree* anſwer to the *Pandects*; the *Decretal* to the *Code*, &c. and that nothing might be wanting, *Paul* IV. order'd *Gio. Paolo Lanceletto*, in Imitation of *Juſtinian's* Inſtitutions, to compile the Canonical Inſtitutions, which he did. Thus we ſee how, and in what manner one Empire was founded in the Heart of another.

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[1] Pancir. lib. 2. cap. 3.

[2] Struv. loc. cit. §. 21.

SECT. II.

The Election of Biſhops and Abbots.

IN this Century the Power of the Popes with reſpect to the Creation of Biſhops and Abbots was at its *Zenith*; for tho' the Election was left to the Clergy and Monks, and the Right that Princes had to give their Aſſent was not openly diſputed, yet the Popes having made themſelves Judges of the Validity of all Elections, the Court of *Rome* contriv'd Means, by which the Collations of Biſhopricks and Abbacies were often given in *Rome*. For which end, many Conditions were made neceſſary before the Election; others in the Time of Election, and an infinite Number of Qualities were requiſite in the Perſon elected; to which was added, that when any of theſe Conditions was not obſerv'd, the Electors were to loſe their Power of electing, which devolv'd to *Rome*. On which account, and for diverſe other Reaſons and Conſiderations, it frequently happen'd, that Difficulties were ſtarted about the Validity of the Elections, and one of the Parties appeal'd to *Rome*, where both were generally caſt, and the Election made void, and the Biſhoprick or Abbacy for that Time was diſpos'd of by the Pope.

BESIDES, when it was known at *Rome* that any fat Biſhoprick or Abbacy was vacant, an Order was immediately diſpatch'd, by which it was injoin'd, that the Election ſhould not be made till the Pope was acquainted; and under a ſpecious Pretence of aſſiſting and preventing Diſorders that might happen, a Perſon was ſent to be preſent, and preſide in the Election, by whoſe Means and Management, the Election fell to him who was moſt for the Intereſt of *Rome*. For theſe Reaſons few Elections to Biſhopricks or Abbacies paſs'd, that were not examin'd in *Rome*; by which Means the Popes had a Hand in almoſt all Elections, under the plauſible Pretence of Devolution for the Good of the Publick; becauſe the Ordinary Electors had fail'd in their Duty. Theſe Meaſures made uſe of according to the Exigency of Caſes, were not in theſe Times ſo eſtabliſh'd, as to have the Force of Law, but were rather Cuſtoms that might be born with, till *Gregory* IX. having collected all the

Reſcripta which ſerv'd for the Grandeur of *Rome*, and applied to general Uſe, what was intended for one particular Place, and, perhaps, one ſpecial Caſe, publiſh'd his *Decretal*, which laid the Foundation of, and eſtabliſh'd the *Roman* Monarchy.

THE Popes pretended to exerciſe this very ſame Superiority over our Churches and Monaſteries, and to intrench upon the Share which our Princes had in Elections, and endeavour'd to exclude them from their Aſſent requiſite in Elections. But *William* I. in the Peace made with Pope *Adrian*, ſecur'd this Prerogative by Stipulation; by Virtue of which, as we have elſewhere obſerv'd, the King's Aſſent was made abſolutely neceſſary in all Elections, inſomuch, that if the King was not pleas'd with the Elected, and did not give his Aſſent, he could neither be inducted nor conſecrated [1].

BUT they did not fail to ſay in *Rome*, that this Agreement betwixt *William* and *Adrian*, was extorted by Force, while the Pope was over-aw'd by *William*'s Army; ſo that upon any favourable Opportunity, taking Advantage of the good Nature, or Weakneſs of ſome Prince, under the ſpecious Pretence of preventing Diſorders, or that our Princes made a bad uſe of this Prerogative, the Popes exerted themſelves, and pretended, that this Prerogative was only a Courteſy granted by the Apoſtolick See, and that they had e'en beſt make a good Uſe of it, otherwiſe it would be taken from them. And in the Reign of *William the Good*, when this Prince made uſe of this Right in the Election of the Biſhop of *Agrigentum*, he was blam'd, as having gone out of his Sphere, and we find a Letter among thoſe of *Peter* of *Blois* [2], directed to the King of *Sicily*'s Chaplain, wherein the Pope complains, that the King had made a Brother of the Count of *Loritello* Biſhop of *Agrigentum*, contrary to the Voice of the Chapter, and injoins him, as in Duty bound, to admoniſh the King not to impoſe an unworthy Perſon on that Church.

BUT when the Kingdom of *Sicily* fell into the Hands of a Woman, Queen *Conſtantia*, then *Innocent* III. thought it was a proper Opportunity to get the Agreement betwixt Pope *Adrian* and *William* I. alter'd: In the firſt Place he declar'd, that he would not give the Inveſtiture of the Kingdom, if theſe Articles were not moderated, and *Conſtantia* was actually forc'd to pleaſe him; and though, in the Inveſtiture which he gave her and her young Son, he left them their Right of Aſſent, yet he in a manner tied them down to give it, whenever it was ſought, and the Election canonically made [3].

BUT *Innocent* not content with this, thought fit to give Directions, and preſcribe Rules concerning the Elections in theſe Kingdoms, and by a particular Brief, dated the 19th of *November* 1198. and directed to *Conſtantia*, he orders the Method of proceeding in the Elections thus, That upon the Vacancy of a See, the Chapter ſhall acquaint the King with the Death of the Prelate, and afterwards being met, ſhall proceed to the Election of a qualify'd Perſon, and after the Election, the Perſon ſhall be declared to the King, and his Aſſent requir'd; and before the King's Aſſent is requir'd, the Elect ſhall neither be inducted, nor the Song of Thankſgiving ſung; neither muſt he preſume to intermeddle with the Adminiſtration [4] till he be confirm'd by the Pope. He afterwards ſent the like Briefs to all the Archbiſhops, Biſhops, Prelates, and Clergy of the Churches of the Kingdom, to inform them of what he had

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[1] Inſtrumentum pacis inter Gulielmum & Adrianum, apud Capecelatr. hiſt. Neap. fol. 75. Si perſona illa de proditoribus, aut inimicis noſtris, vel hæredum noſtrorum non fuerit; aut magnificentiæ noſtræ non extiterit odioſa, vel alia in ea cauſa non fuerit, pro qua non debemus aſſentire aſſenſum præſtabimus.

[2] Petr. Bleſenſis Epiſt. 10.

[3] *The Inveſtiture is recorded by* Rinaldo Anno 1198. num. 67. *and inſerted by* Innocent III. *in his Letters*, tom. 1. lib. 1. pag. 203. *where ſpeaking of Elections, he ſays thus*, Electiones autem ſecundum Deum per totum Regnum Canonice fiant, de talibus quidem Perſonis, quibus vos, ac hæredes veſtri requiſitum a vobis præbere debeatis aſſenſum.

[4] *We find* Innocent'*s Brief directed to* Conſtantia *among his Letters*, Epiſt. tom. 1. lib. 1. pag. 204. *and 'tis likewiſe recorded by* Chioccar. tom. 4. *of the MS.* Juriſd. tit. de Reg. exequatur; *and in* tom. 19. var. *thus*, Sede vacante Capitulum ſignificabit vobis, & veſtris hæredibus obitum Deceſſoris: Deinde convenientes in unum, invocata Spiritus Sancti gratia, ſecundum Deum eligent Canonice Perſonam Idoneam, cui requiſitum a vobis præbere debeatis aſſenſum, & Electionem factam non different publicare. Electionem vero factam, & publicatam denunciabunt vobis, & veſtrum requirent aſſenſum. Sed antequam Aſſenſus Regius requiratur, non inthronizetur Electus, nec decantetur laudis ſolemnitas, quæ inthronizationi videtur annexa: Nec antequam auctoritate Ponteficali fuerit confirmatus, adminiſtrationi ſe ullatenus immiſcebit. Sic enim honori veſtro volumus condeſcendere, ut libertatem Canonicam obſervemus, nullo prorſus obſtante reſcripto, quod a ſede Apoſtolica fuerit impetratum.

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ſettled with *Conſtantia* concerning Elections, which Brief we likewiſe find among *Innocent*'s Letters [1].

WHEN *Conſtantia* died in the Year 1199, and left the ſame *Innocent* Guardian both of her young Son and the Kingdom, the Regal as well as Papal Power was lodg'd in his Perſon, ſo that he could manage Elections as he thought fit; but however, during his Guardianſhip, the Aſſent was no ways prejudic'd, for *Innocent* gave it in all Elections, and declar'd that he did it *Vice Regia*, or as Guardian of the young King, which is clear from his Letters directed to the Chapter and Canons of *Capua*, for the Election of their Biſhop: to the Chapter of *Reggio*: to the Chapter of *Penne*, and others [2]. And the ſame Method was obſerv'd, not only during the Guardianſhip of *Innocent*, but alſo when *Frederick* firſt began to take the Adminiſtration upon himſelf, and was in Friendſhip with *Innocent*; and in *Rainaldo* [3], we read a *Diploma* of his directed to *Innocent*, drawn up in *Meſſina* in the Year 1211, whereby he preſcribes the Method of Elections, and it is much the ſame with what *Innocent* had preſcrib'd to *Conſtantia*.

BUT when *Frederick* was grown up to Man's Eſtate, and better inform'd than the Popes wiſh'd, he began to find out the Alterations made in the Agreement betwixt Pope *Adrian* and *William* I. by *Innocent*, and complain'd of the Injury done to his Prerogative; and that *Innocent*, having to do with a Woman, and a Minor, had reduc'd the Aſſent neceſſarily requir'd in all Elections, to a meer Ceremony, which muſt be given upon Demand, ſeeing he ſet himſelf up as Judge of all the Reaſons that were alledg'd for the other Side.

THE Stiffneſs of *Innocent* and his Succeſſors in aſſerting their Claim, and the Steadineſs of *Frederick* in denying it, and maintaining, that he could refuſe his Aſſent when he pleas'd to all Elections, and render them null when he thought fit, gave Riſe, not only to the Contentions and bitter Diſputes which aroſe afterwards betwixt this Prince and *Gregory*, *Honorius*, *Celeſtine*, and eſpecially *Innocent* IV. Succeſſors of this *Innocent*, but likewiſe to the grievous Diſorders of our Churches; for *Frederick* often making a bad Uſe of this Prerogative, rejected the Elections, and was never ſatisfied till the Perſon he had nam'd was elected. The Popes on the other Hand rail'd againſt ſuch Incroachments, and inveigh'd bitterly againſt *Frederick* for diſpoſing of the Eccleſiaſtical Dignities of the Kingdom as he thought fit, whereas the Elections ought to be free, and not forc'd; and ſome openly reſiſting the King's Will, oppos'd him ſo ſtrenuouſly, that our Churches were often long without Paſtors: Some Popes more bold, did not ſtick, in ſpite of the Emperor, to make void his Elections, and without asking his Advice, to provide the Churches. In the Pontificate of *Innocent* III. the Church of *Policaſtro* being vacant, *Frederick* rejected all Elections, in order to have *Giacomo* his Phyſician elected, which the Electors, tir'd and importun'd, were forc'd to grant him. But Pope *Innocent* being apply'd to, he declar'd *Giacomo's* Election void, and confirm'd the firſt in favour of another, for which end he wrote to the Biſhop of *Cappaccio*, and the Abbot of the Monaſtery of *Cava*, to ſee it put in Execution [4]. For the ſame Reaſons Pope *Gregory* IX. check'd the Emperor very ſeverely, and was conſtantly inveighing againſt him [5]. But the Jars on this account betwixt him and *Honorius* III. were exaſperated; for many Churches of theſe Provinces being vacant, ſuch Quarrels were the Cauſe of their being long without Paſtors, wherewith *Frederick* by all Means would provide them; at which the Pope was ſo nettled, that he wrote to him and reprimanded him in a very tart and bitter manner; but the Emperor, with equal Spirit and Boldneſs, diſdain'd his Letters [6]; whereupon *Honorius*, without minding him, or his Aſſent, provided the vacant Sees; he made the Biſhops of *Patti* and *Famagoſta* Archbiſhops of *Capua* and *Salerno*; the Abbot of S. *Vicenzo a Vulturno* Biſhop of *Brindiſi*; the Prior of S. *Maria della Nova* of *Rome*, Biſhop of *Conſa*; and the Archdeacon of *Amalphis* Biſhop of *Averſa* [7]. *Frederick* obſtinately rejected theſe new Prelates, and would neither ſuffer them to get Induction nor Poſſeſſion of theſe Sees. Upon which the Pope and the Emperor were more bitterly incens'd againſt one another: The exceſſive Diſorders and Calamities that follow'd thereupon, ſhall be treated of at large in the ſubſequent Books of this Hiſtory.

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[1] Epiſt. Innoc. tom. 1. lib. 1. fol. 205.

[2] Epiſt. Inn. ad C. Capuan. tom. 1. lib. 2. fol. 281. & Epiſt. ad C. Rhegin.

[3] Rainald. ad ann. 1211. num. 5.

[4] Ug. tom. 7. de Epiſ. Policaſtr. n. 3. f. 789.

[5] Greg. IX. Epiſt. 165. lib. 1.

[6] Rainald. ad annum 1221. num. 32. & ann. 1223. num. 15.

[7] Idem, ann. 1225. num. 45.

THE
CIVIL HISTORY
Of the KINGDOM of
NAPLES.

BOOK XV.

THE *Suevi*, a People of *Germany*, who inhabited that Part of it on this Side of the *Rhine*, betwixt *Franconia*, *Bavaria*, and the Valley of *Eno*, and from whom the Dukedom of *Suevia* took its Name; came not to us by Way of Aggreſſors, like the *Longobards*; or as Pilgrims, in ſmall Numbers, like the *Normans*, who had no other Right to conquer us, than what the Sword, and the Law of Arms gave them; but the *Suevi* came with their Duke the Emperor *Henry*, who had married *Conſtantia*, the laſt of the lawful Race of the *Normans*, and ſettled the Succeſſion to theſe Kingdoms on his Son *Frederick*. This invincible Hero was deſcended of *Frederick Stauffem*, of a moſt noble Family, and a gallant Captain among the *Suevi*, to whom, on account of his noble Extraction and Bravery, the Emperor *Henry* IV. did not think it below him to give his Daughter *Agnes* in Marriage, and the Dukedom of *Suevia* for her Portion [1]. 'Tis ſaid, that *Suevia* of old was a Kingdom, but was ſince reduc'd to a Dukedom; and in our Time it likewiſe loſt that Title; for at preſent no Prince of *Germany* has the Title of *Suevia*, becauſe part of it is annex'd to the Houſe of *Auſtria*, and part of it is poſſeſs'd by the Duke of *Wittenberg*; and many of its Cities are Free and Imperial, and many of them ſubject to the Duke of *Bavaria*. It reaches to the *Alps*, and borders upon *Bavaria*, *Franconia*, and *Alſatia*. *Frederick*, on his Wiſe *Agnes*, begot the Emperor *Conrade* II. who was Father of *Frederick* I. call'd *Barbaroſſa*, who was Father of *Henry*, who married *Conſtantia*, the Daughter of King *Roger*, by whom he had *Frederick* II. who, by Right of his Mother, became King of *Sicily* and *Puglia*. Wherefore, of all Nations, the *Suevi* boaſt of having the moſt lawful and juſt Title to theſe Kingdoms; and they juſtly complain, that by the Power and bad Offices of the Popes, they were taken from them, and transferr'd to the *French* of the Houſe of *Anjou*.

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[1] Collen. dec. 2. lib. 8. cap. 1.

POPE *Innocent* III. following the ſame Foot-ſteps with his Predeceſſors, by his exquiſite Management, had gain'd ground wonderfully upon theſe Kingdoms; for beſides the Right of Inveſtiture, he claim'd to be acknowledg'd direct Lord of them, in the ſame Manner as other Princes are Lords of the Fiefs of their Barons and Vaſſals; and conſequently to exerciſe in them the Supreme Royal Prerogatives. He openly declar'd in his Letters, that the Property of theſe Kingdoms belong'd to the Apoſtolick See; and therefore, laying aſide *Conſtantia*'s Will, he reckon'd that the Guardianſhip of the young King and his Kingdom, of Right belong'd to him. But at firſt, by reaſon of *Marcovaldus* and the *Sicilians*, he conceal'd his Sentiments, and pretended to take the Charge as Guardian, by virtue of *Conſtantia*'s Will; and therefore upon the News of the Empreſs's Death, and of her Will, he gladly accepted of the Guardianſhip, and immediately began to exerciſe it, by writing to the Archbiſhops of *Palermo*, *Reggio* and *Monreale*, and to the Biſhop of *Troja*, who had the Care of the King's Perſon, that he had accepted of the Guardianſhip left him by the Empreſs *Conſtantia*, not only in Word, but in Deed [1]. But the Deeds were ſuch, as after *Conſtantia*'s Death made it evident, that *non tam tutelæ nomine*, as *Nauclerus* ſays [2], *quam ſui juris tuendi cauſa, Siciliam, & Apuliam adminiſtrabat*.

IN the mean Time, *Innocent* ſent *Gregorio da Galgano* Cardinal of St. *Maria* in *Portico*, his Legate to *Sicily*, to take the Government of the Iſland upon him; who, on his Arrival, tender'd the Oath of Fidelity to the aboveſaid Archbiſhops, Biſhops, *&c.* in the Name of *Innocent*. But that did not go well down with the Great Chancellor, and thoſe of his Party, who would have no Superior in that Matter, ſo that they were ſoon at open Enmity with the Legate, and minded their own Conveniency more than the King's Advantage, which made the Cardinal Legate ſend Orders over all *Sicily* and *Puglia*, for every Perſon to acknowledge the Pope as their Governor, and the young King's Guardian, and then return'd to *Rome*.

ON the other Hand, *Marcovaldus*, who, as we have ſaid, with all his *Germans*, was baniſh'd the Kingdom by *Conſtantia*, hearing of her Death, forthwith aſſembled a numerous Army of his Friends and Followers, and others whom he inliſted into his Service; and being aided by ſome native Barons, and by *Guglielmo Caparone*, *Frederick* and *Diapoldus*, and other *Germans*, to whom *Henry* had given Eſtates and Baronies in *Puglia* and *Sicily*, in a hoſtile Manner enter'd the Kingdom, and firſt attack'd the County of *Moliſe* (where he had many Caſtles ſtill kept for him) and without the leaſt Reſiſtance, made himſelf Maſter of it. Then he ſent to require *Roffredo* Abbot of *Monte Caſſino*, to join him, and acknowledge him for *Frederick's* Guardian, as the Emperor *Henry* (ſo he pretended) had conſtituted him: But the Abbot perceiving that *Marcovaldus*'s Intention was not to preſerve, but to ſeize upon the young King's Inheritance, rejected his Meſſage, excuſing himſelf, that he had already ſworn Obedience to the Pope as Guardian: Upon which *Marcovaldus* declar'd War againſt the Abbot, and this Year 1199, enter'd the Lands of the Abbey, and in an Inſtant took and burnt many Places belonging to it, and then laid Siege to St. *Germano*, whither the Abbot had gone to ſtand on his Defence [3]. Mean while *Innocent* ſent *Giovanni Gallocia*, a *Roman*, and Cardinal of St. *Stefano* in *Montecelio*, and *Gerardo Allucingolo da Lucca*, Cardinal of St. *Adrian*, into *Terra di Lavoro*, with Six hundred Soldiers under the Command of *Landone da Montelongo*, Governor of *Campagna di Roma*, who hearing, that *Marcovaldus* deſign'd to beſiege St. *Germano*, conven'd another Body of Soldiers from *Capua*, and the neighbouring Caſtles, in order to oppoſe him; and having join'd the Abbot *Roffredo*, they were fully reſolv'd to defend the Place. But ſoon after, *Diopoldus*, with a good Number of *Germans*, coming to *Marcovaldus*'s Aſſiſtance, poſſeſs'd themſelves of the Hill that overlooks the City, and forc'd the Beſieg'd to abandon it, and retire to the Monaſtery of *Monte Caſſino*; whereupon *Marcovaldus* having enter'd the deſerted City, us'd the Inhabitants, both Men and Women, in a moſt barbarous and cruel Manner, burnt the Place, and then went to plunder the other Places belonging to the Order of St. *Benedict*; they afterwards laid cloſe Siege to the Monaſtery of *Monte Caſſino*, and the Fort in which *Landone* had fortify'd himſelf and the Inhabitants, and endeavour'd to take them by Storm, in attacking the Walls and Trenches, but in vain, for they were gallantly repulſed with great Loſs on their Side.

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[1] Innoc. epiſt. lib. 1. Per effectum operum poteritis evidenter cognoſcere, quod Tutelam Regis, & Regni Bajulam nobis a Conſtantia Imperatrice relictum, non tam verbo, quam factis recipimus.

[2] Naucler. generat. 34.

[3] Riccar. da S. Germ.

RICCARDO *da S. Germano*[1], an Eye-witneſs, relates, that on the Feaſt of St. *Maurus*, the Air being very clear, on a ſudden became cloudy, and ſo great a Storm of Rain mix'd with Hail, Lightning, and terrible Thunder, accompanied with a boiſtrous Wind, aroſe, and came pouring down upon the *Germans* that were incamp'd in the craggy Cliſts of the Hill, that it threw down and broke their Tents, and forc'd them in all haſte to raiſe the Siege; but for all that, *Marcovaldus* did not give over his Barbarity, but in going down the Hill burnt the Caſtle of *Plumbarola*, and St. *Elia*, and returning to St. *Germano*, he threw down the Walls, Gates, and the beſt Houſes, and made a great Slaughter over all the Neighbourhood, allowing the *Germans* even to pillage the Churches, without any Reſpect or Fear of God, and the Saints to whom they were dedicated.

THESE Calamities ſo much afflicted Pope *Innocent*, that to remedy them in ſome Meaſure, he firſt excommunicated *Marcovaldus* and all his Followers[2], and then he wrote to the Archbiſhops of *Reggio*, *Capua*, *Monreale*, and *Troja*, to aſſemble an Army ſufficient to oppoſe *Marcovaldus*, and put a Stop to the Miſchiefs he was committing, in which Letters the Pope ſets him out in his true Colours. And he wrote to the ſame Purpoſe to the Clergy, Barons, Judges, Knights, and the People of *Capua*, telling them beſides, that he had ſent his Legates with a great Sum of Money to *Pietro* Count of *Celano*, of the Race of the Counts of *Marſi*, to *Riccardo* Count of *Teano*, and other native Barons, to raiſe Soldiers for that end; and if there was Occaſion, he would publiſh a Cruſade againſt *Marcovaldus*, that all thoſe who would take up Arms againſt him, ſhould have a general Pardon for all their Sins, as if they had gone beyond Sea to fight againſt the *Turks*; and he wrote the ſame to the Biſhops, Abbots, and Priors of *Calabria*; likewiſe ordering them, every *Sunday* and Holy-day, publickly to curſe *Marcovaldus* and his Adherents; and in like Manner he wrote to the Biſhops, and other Prelates of *Sicily*, and to all the Barons, Counts, and People of both Kingdoms.

BUT *Marcovaldus*'s Soldiers ſtill continued to deſtroy the Places belonging to *Monte Caſſino*, and to pillage the Churches, and rob the Ornaments of the Altars; therefore when the Abbot *Roffredo*, unable to bear ſo great Calamities, offer'd him a round Sum of Money, he made Peace with him, and upon Receipt of the Money, *Marcovaldus* march'd out of the Territories of the Monaſtery, without doing any more Damage, and went to make War elſewhere.

AT the ſame Time *Riccardo dell' Aquila* Count of *Fondi*, not able by any other Means to protect his Eſtate, agreed with the *Germans*, notwithſtanding that *Innocent* had wrote to him to the contrary, and married one of his Daughters to a Brother of Count *Diopoldus*, nam'd *Sigisfred*, to whom *Marcovaldus* had intruſted the Command of *Pontecorvo*, *S. Angelo*, and *Caſtelnovo*, important Places on the Borders of the Kingdom. But ſhortly after, while *Diopoldus* was running up and down the Country, gaining Friends to *Marcovaldus*, not minding ſufficiently the Security of his own Perſon, he was made Priſoner by *Guglielmo S. Severino* Count of *Caſerta*, who, as the Pope had deſir'd him, as long as he liv'd, would never ſet him at Liberty; but he dying ſhortly after, his Son likewiſe nam'd *William*, by Agreement with *Diopoldus*'s Friends, gave him his Liberty, and married one of his Daughters, which was of great Detriment to the Kingdom, by the Miſchiefs that *Diopoldus* committed afterwards.

IN the mean Time *Marcovaldus* (according to the Chronicle of an uncertain Author, preſerv'd in the Library of the great Church of *Foix* in *France*, printed and bound with the Collection of *Innocent*'s Letters) endeavour'd to make Peace with the Pope, by the Means of *Conrade* Archbiſhop of *Mentz*, (who, in returning from the Holy Land had diſimbark'd in *Puglia*) and promiſ'd, provided the Pope would not diſturb him in the Conqueſt he had reſolv'd to make of the Kingdom, to give him Twenty thouſand Ounces of Gold, and to ſwear the uſual Oath of Fealty which the Kings of *Sicily* were wont to take to the Popes, and beſides, he gave him to underſtand, that his having taken *Frederick* under his Protection, ought to be no Obſtacle, becauſe he would convince him to a Demonſtration, that that Child was ſpurious, and none of *Conſtantia*'s or *Henry*'s.

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[1] Riccardo's *Chronicle printed in the* 3. tom. *of* Ughello's Italia Sacra.

[2] Brovio tom. 1. anno 1199. Anathematizamus Marcovaldum, & omnes fautores ejus.

BUT the prudent Pope knowing the pernicious Deſigns of *Marcovaldus*, and his Thirſt after Government, gave no Credit to his Lyes; therefore *Marcovaldus*, without inſiſting on the former Propoſal, endeavour'd by other Means to be at Peace with *Innocent*, and be abſolv'd from the Excommunication. The Pope ſent to him *Ottaviano* Cardinal of *Oſtia*, *Guidone di Papa Romano* Cardinal of St. *Maria Traſtevere*, and *Ugolino de Conti*, his Nephew, Cardinal of St. *Euſtach*; to command him in his Name to comply with all the Orders he had ſent relating to the Facts, for which he had been excommunicated, and to take his Oath for performing the ſame, and then to abſolve him from the Cenſures, and receive him into the Boſom of the Church; but this *German*, who had other Deſigns in his Head, by the Means of *Lione da Montelongo*, a Couſin of the Cardinal of *Oſtia*, endeavour'd, both by Intreaties and Menaces, to divert the Cardinals from laying ſuch Commands upon him, but all in vain; for Cardinal *Ugolino* publickly order'd him, in Name of the Pope, not to moleſt the Inhabitants of the Kingdom any more, nor to concern himſelf with the Government thereof; to reſtore all the Places that he had made himſelf Maſter of in *Puglia* and *Sicily*, and make up the Damages he had done to the Church of *Rome*, and the Abbot of *Monte Caſſino*; and moreover not to diſturb the Prelates and other Eccleſiaſtical Perſons: To which he anſwer'd, That at preſent he could not take ſuch an Oath, but that he would appear in Perſon before the Pope, and ſwear to obſerve all; and having courteouſly taken his Leave of the Cardinals, he return'd to his former wicked Practices, and did what he could by his Meſſengers, to make the People believe that he had made up Matters with the Pope, who had confirm'd him Adminiſtrator of the Kingdom.

BUT the News of this coming to the Pope, he, by his particular Letters made it appear to be a Lye, and a Fetch of *Marcovaldus*; who, ſeeing all Hopes of putting his Deſigns in execution in *Puglia* evaniſh'd, reſolv'd to go over to *Sicily*, where he thought, with leſs Difficulty and Oppoſition, to bring about his wicked Purpoſes. But before he undertook this Voyage, he laid Siege to *Avellino*, which he found was not to be taken eaſily, becauſe of the gallant Defence of the Citizens, who, to be rid of him, gave him a good Sum of Money, upon which he rais'd the Siege. He afterwards took *Vallata* by Storm, and gave it up to be plunder'd by his Soldiers, and as he was going on to do more Miſchief, he was met by *Pietro* Count of *Celano*, with a good Body of Soldiers which he had aſſembled in the County of *Marſi*, and being afraid to fight him, he return'd to the County of *Moliſe*, where, becauſe he was not able to defend the City of *Iſernia*, then in his Poſſeſſion, he robb'd the Citizens of all their Goods, and from thence march'd to *Teano*, to vent his Fury againſt that City, but was repuls'd. At laſt he left *Diopoldus*, *Otho*, and *Sigiſfred* his Brothers, *Corrado di Marlei* Lord of *Sorella*, *Ottone di Laviano*, and *Federico di Malento*, to preſerve his Friends in *Terra di Lavoro*, and other Parts of *Puglia* in his Intereſt, and with a good Body of *German* Troops march'd to *Salerno*, which ſided with him, where he imbark'd and ſail'd with a Fleet ready for that Purpoſe, and landed in *Sicily*.

THE Governors of the Kingdom of *Sicily*, hearing of *Marcovaldus*'s Voyage for that Kingdom, by ſeveral Meſſengers, begg'd Aſſiſtance of Soldiers from the Pope, and a Perſon of Worth to command them; the Pope ſent them at this Time *Cintio Cincio* a *Roman*, Cardinal of St. *Lorenzo* in *Lucina*, and *Giacopo* his Counſellor, Couſin and Marſhal, with 200 Horſemen hired at his Charges, and with them *Anſelmo* Archbiſhop of *Naples*, and *Angelo* Archbiſhop of *Taranto*, Men of great Wiſdom, to be aſſiſting with their Advice. Theſe having gone to *Calabria*, drove out *Frederick* the *German*, who was miſerably harraſſing that Province, and having afterward croſs'd the Straits of *Meſſina*, they arriv'd in that City, which was moſt faithful to the young King, and ſteady in his Intereſt during all theſe Commotions rais'd by *Marcovaldus*.

CHAP. I.

The Expedition of Walter *Count of* Brenna *againſt the Kingdom of* Sicily, *on account of the Pretenſions of his Wife* Albinia.

BUT tho' *Marcovaldus* quitted our Kingdom, yet it was not free from other Calamities; for a new Pretender ſtarted up, who, with foreign Forces likewiſe endeavour'd to conquer it. This was *Walter* Count of *Brenna* a *Frenchman*, whoſe Pretenſions were founded thus; Queen *Sibilia*, as we have ſaid, by the Means of Pope *Innocent* was deliver'd from Priſon in *Germany*, by *Philip* of *Suevia*, and had gone to *France* with *Albinia* and *Mandonia* her Daughters, and had there married *Albinia* the Eldeſt to *Walter*, of noble Deſcent, great Courage and Wiſdom. About the End of this Year 1199. he, with his Wife big with Child, and his Mother-in-Law, came to *Rome*, and threw himſelf at the Pope's Feet, begging that he would do him Juſtice with reſpect to the Kingdom which belong'd to *Albinia*. He inſiſted upon it, as a Thing known to every Body, that the Emperor *Henry* had given to *William*, in Lieu of the Kingdoms of *Sicily* and *Puglia*, which he renounc'd, the County of *Lecce*, and the Principality of *Taranto*, which he afterwards took from him without any Reaſon. This Requeſt much perplex'd the Pope, who thought it would be of dangerous Conſequence to allow the Count to enter the Kingdom, leſt he ſhould revenge the Injury done his Mother-in-Law and Brother-in-Law by the deceas'd Emperor, on the Son, whoſe tender Age afforded a fair Opportunity, and which would turn the Kingdom upſide down; and on the other hand he foreſaw, that if he ſhould ſhut his Ears to the Demand, it would ſo irritate the Count, that he would be ready to join the King's Enemies, and thereby kindle a cruel and bloody War; therefore he judg'd it convenient to give him the County of *Lecce*, and the Principality of *Taranto*, but firſt he was to make him take an Oath in the publick Conſiſtory, on no other Pretence to diſturb the Kingdom, nor do any Prejudice to *Frederick*; but before this was to take Effect, he reſolv'd to acquaint the Governors of *Sicily*, who had the Charge of the young King, to whom he wrote that Letter which we find in the Regiſter of his Letters; which begins thus, *Nuper dilectus filius noſter nobilis vir*, &c.

BUT *Gualtieri* Archbiſhop of *Palermo*, being more afraid for himſelf, than for the King, on the Receipt of this Letter was exceedingly vex'd; for he and all his Adherents having been bitter Enemies to *Tancred*, and great Friends to *Henry* in the Conqueſt of the Kingdom, he thought, that if the Count ſhould once enter it, he would endeavour to revenge the old Offence; for which Cauſe he publickly inveigh'd againſt the Pope, who being only Guardian of the King, and Adminiſtrator of the Kingdom, pretended to diſpoſe of Principalities and Counties at his Pleaſure, as if he were Lord of it, to the great Detriment and Diminution of the Crown; he aſſembled the People of *Meſſina*, and with all his Might oppos'd this Grant, blam'd *Innocent*, and ſtirr'd up the *Sicilians* to reſiſt ſuch an outragious Incroachment. The Count being appriz'd of this, and finding that the Pope's Intereſt alone would be of no Service, but that he muſt have recourſe to Arms, he left his Mother-in-Law and Wife in *Rome*, and return'd to *France*, in order to raiſe Soldiers for invading the Kingdom.

IN the mean Time *Marcovaldus*, who, upon his landing in *Sicily*, had quickly brought over the *Saracens* of the Iſland to his Party, with their Aſſiſtance had made himſelf Maſter of many Cities and their Caſtles, and marching to *Palermo*, he laid cloſe Siege to it for Twenty-two Days; whereupon the Cardinal Legate, and the Archbiſhop *Gualtieri* reſolv'd, in all haſte to march to the Relief of that City with the Soldiers they had already drawn together; where being arriv'd, they incamp'd in the magnificent Garden which King *William* I. had made, with deſign to give *Marcovaldus* Battle the next Day, who, ſmelling out their Intent, thought fit to raiſe the Siege, and keep them in ſuſpence, without riſquing a Battle; and knowing that the Pope's Troops were ſuffering for want of Money and Proviſions, he ſent *Ranieri Manente* with proper Inſtructions to propoſe a Peace. But the Soldiers perceiving his treacherous Intentions, unanimouſly rejected the Meſſage. Notwithſtanding which, the King's Counſellors were for hearing his Demands, and inclin'd to make Peace with him; but *Bartolomeo*, a Domeſtick of the Pope's, a cunning Man, and zealous for the Honour of his Maſter, reſolving to put a Stop to this diſadvantageous Agreement, in the Midſt of the Meeting preſented Letters from the Pope, whereby he expreſly forbids to make any Agreement or Peace whatſoever with *Marcovaldus*. Whereupon *Gualtieri* the Archbiſhop of *Meſſina*, *Caro* Archbiſhop of *Monreale*, and the Archbiſhop of *Ceffalu*, who were with *Ranieri* drawing up the Articles of Peace, being appriz'd of the Pope's Mind, and that the Army and the *Palermitans* would not hear of a Peace, but were ready to mutiny, and fly in their Faces, broke off the Treaty, and gave liberty to fight the *Germans*. The Battle began betwixt *Palermo* and *Monreale*, which had been taken and garriſon'd by *Marcovaldus*, and was fought with incredible Bravery, from Three a Clock of the Day till Nine; but at laſt, after a great Slaughter on both Sides, the Pope's Troops, by the Valour of *Giacopo* his Marſhal, carried the Day; for he twice rally'd his Men, and repuls'd the *Germans* and *Saracens*, who had oblig'd the firſt Squadrons of his Army to give way, and he ſhew'd himſelf no leſs a brave Soldier, than a ſkilful Commander, and to whom the Victory was chiefly owing. *Marcovaldus* loſt a great Number of the beſt Soldiers of his Army, and among the reſt the abovemention'd *Ranieri Menente*; his Camp was likewiſe plunder'd, wherein was found a rich Booty; *Monreale* was alſo beſieg'd and ſoon taken, and the greateſt Part of the Garriſon put to the Sword. *Marcovaldus* having loſt all his Riches, fled, and was not heard of by his own People for ſome Time. Amongſt his Baggage was found the laſt Will of the Emperor *Henry*, ſeal'd with the Golden Seal, part of which is recorded by *Baronius* in his Annals. *Anſelm* Archbiſhop of *Naples*, who was then in the Army, wrote a particular Letter to the Pope, acquainting him with all that had paſs'd; the Governors of the young King and Kingdom, willing to reward the Bravery of *Giacopo* the Marſhal, in the Name of *Frederick* gave him the County of *Andria*, which he poſſeſs'd for a long Time: Thus did theſe Governors believe that it was in their Power to give Inveſtiture, and the Pope as Guardian did not fail to make uſe of his Authority, by inveſting his own Brother with the County of *Sora*, of which we ſhall have occaſion to ſpeak in a more proper Place.

BUT the Pope's Soldiers, partly by the Heat of the Seaſon, and partly by the Fatigues of War, began to fall ſick, and die in great Numbers, ſo that Count *Giacomo* thought fit to return to *Puglia*. Soon after the Archbiſhop of *Palermo* died, and *Gualtieri della Pagliara*, Chancellor of *Sicily*, and Biſhop of *Troja*, got the Canons of that City to elect him Archbiſhop (they made no Difficulty in theſe Times to give two Biſhopricks to one Perſon) and the Cardinal Legate to allow of the Election, and he took the Badges and Poſſeſſion before he receiv'd the *Pallium*, and the Pope's Confirmation, for which the Legate was ſeverely reprimanded [1]; whereupon *Gualtieri* was ſo diſguſted, that he wrote more freely to the Pope concerning the Affair of the Count of *Brenna*, as we ſhall afterwards take notice of.

WHILE theſe Matters were in Agitation, and the new Year 1200 already begun, *Diopoldus* committed a great deal of Miſchief in the Kingdom; for tho' he had made Peace with the Abbot *Roffredo*, and had ſworn upon the Evangels in *Venafro*, not to moleſt the Inhabitants of the Lands of the Monaſtery, yet one Night on a ſudden he attack'd thoſe of S. *Germano*, and took the Place without Reſiſtance, pillag'd and ruin'd it; and the Abbot *Roffredo*, with *Gregory* his Brother, who liv'd there, fled to *Atino*, from whence they went to the County of *Marſi* to beg Aſſiſtance from

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[1] In Ep. apud Brov. ann. 1192. num. 12. & in antiq. col. Decr. 3. tit. de Offic. Deleg. cap. niſi ſpecialis.

Pietro Count of *Celano*, but in vain; but *Sinibaldo* and *Rinaldo*, of the ſame Family of the Counts of *Marſi*, who are now call'd Counts of *Sangro*, ſent them all the Plate and ready Money they had, with which the Abbot inliſted ſome Soldiers, and march'd with them privately in the Night-time to *Monte Caſſino*. As ſoon as *Diopoldus* heard of the Abbot's Arrival, fearing that he had brought a greater Number of Soldiers along with him, he immediately march'd off, and left S. *Germano* void of Inhabitants, and the Abbot went and fortified it with new Walls and Towers. *Diopoldus* ſoon after engag'd near *Venafro* with the Count of *Celano*, whom he defeated and put to flight, and made *Berardo* his Son Priſoner, and with the other Priſoners of S. *Germano*, ſhut him up in the Caſtle of *Arce*.

IN the Year 1201. the Count of *Brenna*, who had gone to *France* to levy Soldiers, return'd to *Rome*; and tho' he brought but a ſmall Number with him, yet all of them had given Proof of their Bravery; with theſe reſolving to enter the Kingdom, he was look'd upon as a Fool and a Mad-man, to undertake ſuch an Enterprize with a Handful of Men. And Count *Diopoldus* being appriz'd of his coming, aſſembled a numerous Army of *Germans* to meet him, and drive him out of the Kingdom. The Pope, fearing that if any Misfortune ſhould happen to the Count of *Brenna*, it would animate the *Germans*, gave him Five hundred Ounces of Gold, to enable him to raiſe more Soldiers [1], and likewiſe wrote many Letters directed to the Counts, Barons, and People of the Kingdom, to receive him into their Cities and Caſtles, and aſſiſt him againſt *Diopoldus*. With this Supply the Count with his Wife *Albinia* boldly enter'd *Terra di Lavoro*, and being join'd by the Abbot *Roffredo*, who with a good Number of Men came to his Aſſiſtance, he beſieg'd *Teano*, and quickly took it; and thereafter, by the Favour of *Riccardo* Archbiſhop of *Capua*, who was a Son of the Count of *Celano*, he likewiſe got the Caſtle of the City of *Capua*: While he was making ſome ſtay near that City, *Diopoldus* came upon him with a great Army, and thought to gain an eaſy Victory, becauſe of his ſuperior Strength; but it fell out quite otherwiſe, for *Walter* and his Soldiers fighting with unuſual Bravery, gave the *Germans* ſuch a Shock, that after a great Slaughter they broke them and forc'd them to fly; and after the Victory, they, together with the *Capuans*, who came out to partake of the Booty, plunder'd their rich Tents. After the Battle the Count of *Celano* join'd *Walter*, and together with the Abbot, and the Archbiſhop *Riccardo*, march'd to beſiege *Venafro*, which they quickly took and burnt; and after ſome more fortunate Steps, *Walter* became Maſter of the greateſt Part of the County of *Moliſe*, and the Abbot *Roffredo* likewiſe recover'd *Pontecorvo*, *Caſtelnovo*, *Frattura*, Places belonging to his Abbey, from *Diopoldus*.

THE *Germans* upon this were ſo terrified, that they ſhut themſelves up within their Forts; whereupon, in the Beginning of the Year 1202, Count *Walter*, with the Count of *Celano*, the Abbot *Roffredo*, and the Cardinal *Galloccia*, who exercis'd the Office of Legate in *Puglia*, march'd in order to conquer the Principality of *Taranto*, and the County of *Lecce*, which, with *Brindiſi*, and other Places of that Principality preſently ſurrender'd; and ſhortly after *Lecce* with its Caſtle, *Melphis*, and *Montepiloſo* follow'd their Example; but *Monopoli* and *Taranto* ſtanding it out, were beſieg'd.

BUT this Succeſs of the Count of *Brenna* in *Puglia* was very diſpleaſing to the *Sicilians*, eſpecially to *Gualtieri* Archbiſhop of *Palermo*, who had uſurp'd all Authority and the Government of that Iſland, and gain'd the reſt of the King's Friends over to his Party, by givingt hem Counties, Baronies, and the Government of Cities and Provinces, and other Offices and Dignities in order to ſtrengthen his Faction. Beſides he diſpos'd of the Royal Treaſure and Revenues at his Pleaſure, notwithſtanding the Pope's Order, that nothing ſhould be done without the Conſent of all the King's Governors, and in ſome moſt weighty Affairs, he even reſerv'd his own Conſent; and *Gualtieri*, for the more eaſy compaſſing his own Ends, ſent for his Brother *Gentile della Pagliara* Count of *Manopello*, and had ſo great a Mind to raiſe his Fortune, that, according to the Chronicle of *Foix*, he had reſolv'd to diſpatch the young King out of the way, and make *Gentile* King of *Sicily*; and, according to the ſame Chronicle, *Marcovaldus* twitted him with this, when, being bitter Enemies, they reproach'd one another with their Villanies.

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[1] Riccard. da S. Germ.

GENTILE was immediately made one of the King's Council, and began to treat of Peace with *Marcovaldus*, tho' excommunicated, and an Enemy to the Pope, which took Effect, and *Gualtieri* made him Chief of all the Counſellors, and divided the Government of the Kingdom betwixt them two, that the one might govern in *Sicily*, and the other in *Puglia*. They cemented their Friendſhip by Alliance, *Gentile*'s Son marrying *Marcovaldus*'s Niece. *Gualtieri* in the Name of the young King commanded all the Subjects to pay Obedience to his Orders; and leaving the Charge of the King's Perſon, and the Royal Palace in *Palermo* to his Brother, he went to *Calabria* and *Puglia*, where with incredible Rapacity he robb'd the Churches of all the Sacred Veſſels and precious Ornaments, and impoſ'd Taxes on Cities, Caſtles, and private Men, and then as laviſhly ſquander'd away what he had thus plunder'd, being as covetous to ſcrape together a Sum of Money, as he was prodigal to throw it away. He likewiſe exclaim'd againſt the Pope, and ſaid, that in place of Guardian of the King and Kingdom, he had become a cruel Enemy to both, by aſſiſting the Count of *Brenna*, who was ravaging *Puglia* in order to take it from the King; and that inſtead of oppoſing him, he had furniſh'd him both with Men and Money. And in the mean Time was ſolliciting the Barons of the Kingdom to enter into an Aſſociation againſt the Count of *Brenna* and the Pope, to drive the one out of *Puglia*, and deprive the other of any Share in the Adminiſtration.

POPE *Innocent*, who was appriz'd of all his Steps, did not neglect to provide a Remedy, for having often admoniſh'd him to forbear ſuch Enterprizes, tho' in vain, at laſt he excommunicated him, and depriv'd him of the Archbiſhoprick of *Palermo*, the Biſhoprick of *Troja*, and the Office of Chancellor of *Sicily*, and gave the Churches to others, and order'd all the Subjects not to obey him in any Thing under Pain of Excommunication. This Thunderbolt hit the Biſhop ſo home, that in an inſtant he loſt all Credit with the People, who generally hated him, and for fear of Excommunication would no more obey him, ſo that he became the Laughing-ſtock of every Body. Therefore the other Counſellors, who were of his Faction, began to be terribly afraid of themſelves, which made them write very ſubmiſſively to the Pope in the King's Name, interceding for *Gualtieri*, and excuſing themſelves; which *Innocent* anſwer'd by that Letter taken out of the abovemention'd Chronicle, and to be found in the Collection of his Letters [1], which deſerves to be read, becauſe it gives a particular Account of the Count of *Brenna*'s entering the Kingdom, which has been very confuſedly related by the Writers of our Annals.

GUALTIERI being diſheartned, ſought to make up the Difference betwixt the Pope and him, and going to *Puglia*, on his Knees he ſwore to the Cardinal Legate to obey whatever he ſhould command; but when the Legate order'd him not to oppoſe the Count of *Brenna* in the Conqueſt of the Principality of *Taranto*, and the County of *Lecce*, he anſwer'd him boldly, that if the Apoſtle *Peter* was ſent by *Jeſus Chriſt* with ſuch Orders, he would not obey them, tho' he was ſure to be condemn'd to the Fire of Hell; and blaſpheming, and curſing the Pope to the Legate's Face, tranſported with Fury, he left him, and went to join Count *Diopoldus* [2].

MEAN while *Diopoldus*, with the Count of *Manieri* his Brother, and the Count of *Laviano*, having gone to *Puglia*, had aſſembled a great Army to drive the Count of *Brenna* from the Places which he had made himſelf Maſter of in that Province, and ſpirited up all the other Barons to go upon that Expedition againſt the Count, who, as he ſaid, was an Enemy to the King, and had a Mind to uſurp his Kingdom. But when they came to join Battle, on the ſixth Day of *October*, in the famous Field of *Canne*, where *Hannibal* the *Carthaginian* gave *Flaminius* and *M. Varro*, *Roman* Conſuls, that memorable Defeat; tho' the Count of *Brenna* was catch'd napping, and the Number of his Army much inferior to that of *Diopoldus*, yet for all that, he and his Men fought ſo gallantly, that after a great Slaughter, and many Priſoners taken, he gain'd the Victory; among the Priſoners were found *Sigiſfred*, *Diopoldus*'s Brother, and Count *Ottone di Laviano*; with great Difficulty *Riccardo* with the Count of *Manieri* eſcap'd to the City of *Salpe*, and *Diopoldus* to the Caſtle of S. *Agatha* [3].

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[1] Epiſt. Inno. III. *which begins*: Utinam puerilibus annis virilem animum Dominus inſpiraret, &c.

[2] Riccar. da S. Germano.

[3] Chron. de Ric. de S. Germ. Cum ipſo campeſtre bellum injerit ad Cannas: At Cancellarius cum Diopoldo, per ipſum Comitem 6 Octobris devicti ſunt, & fugati. Chron. de Foix. Chron. de Foſſanova.

COUNT *Gentile*, who had the Charge of young King *Frederick* in *Palermo*, brib'd with a great Sum of Money, made *Marcovaldus* Maſter not only of the City of *Palermo*, but of all the Iſland of *Sicily*, except *Meſſina*; and had it not been for fear of the Count of *Brenna*, who, by Right of his Wife, would have pretended to the Crown, he could eaſily have put the King to death, and uſurp'd the Kingdom, which he deſerr'd till a more fit Opportunity; mean while, notwithſtanding the Repulſe he had formerly got, he was endeavouring, by the Power of Money, to take off the Pope from protecting *Frederick*, and to get the Count of *Brenna* to return to *France*, and quit his Pretenſions. But behold all his Deſigns were blaſted by Death, which confounds and overthrows all human Devices; for not long after, being troubled with a Stoppage of Urine, occaſion'd by a Stone in the Reins, he was ſo tormented with ſevere Pains, that, not able to bear them longer, he caus'd himſelf to be cut; but the Operation had no Effect, for about the end of this Year 1202, he died ſuddenly under the Sentence of Excommunication, which put an End to his vaſt Ambition, and Thirſt after a Crown. The Author of *Innocent's* Acts makes him die of this Operation; but *Riccardo da S. Germano* ſays, it was of a Dyſentery [1].

COUNT *Diopoldus* was now tied up from doing any more Miſchief in *Puglia*, and in the Year 1203, by the Means of the Count of *Brenna's* Faction, he was made Priſoner by the Caſtellain of the Caſtle of St. *Agatha*, whither he had fled for Shelter; nevertheleſs his Impriſonment was of no Service to the Count, for ſoon after the ſame Caſtellain, brib'd with Money and Promiſes, ſet him at Liberty.

THE Death of *Marcovaldus* occaſion'd new Revolutions in *Sicily*, for *William Caparon*, a *German* Captain, no ſooner heard of it, than he went to *Palermo*, and took Poſſeſſion of the Royal Palace, and the King's Perſon, and took the Title of *The King's Guardian, and Governor of* Sicily: Which diſpleas'd *Marcovaldus's* Followers, who refus'd to obey him, and form'd another Party, to the great Detriment of the Affairs of the Iſland.

GUALTIERI della Pagliara thinking this a fit Opportunity to recover his former State, wrote to the Pope, deſiring to be abſolv'd from Excommunication, and that he was willing to obey him in whatever he ſhould command, and employ all his Power for the Service of the Holy See: *Innocent* readily granted his Requeſt, whereupon he went over to *Sicily*, and reaſſum'd the Office of High Chancellor without Oppoſition, and wrote Letters to *Innocent*, in which he declar'd that he would, to his utmoſt, promote *Frederick's* Intereſt, and requeſted him, for the Good of the Child, to ſend a Cardinal Legate to *Sicily*, to take the whole Command upon him, in order to put an End to the Authority of ſo many Tyrants [2]. To this the Pope conſented, and forthwith ſent *Gerardo Allucingolo da Lucca* Cardinal of St. *Adrian*, a Man of great Worth, and the Pope's Nephew, from whoſe Hands *William Caparon* having taken an Oath in *Meſſina*, to acknowledge *Innocent* for Guardian of the Kingdom, and him as his Legate, and that he would obey him in all Things, he was abſolv'd from the Excommunication, which, as a Follower of *Marcovaldus*, he had incurr'd.

THEN the Legate went to *Palermo*, whither *William* had alſo gone a little before, but when they came to treat of the Affairs of the Kingdom, they broke out into open Quarrels, for *William* made a Mock of the Legate, and did not mind what he ſaid, whereupon the Legate, not thinking fit to ſtay in *Palermo* to be thus deſpis'd, acquainted the Pope with what had paſs'd, and return'd to *Meſſina*.

MEAN while the Chancellor went to *Puglia*, and ſent Letters and Meſſages to the Pope, by Perſons of great Power and Intereſt, by all Means poſſible, endeavouring to get himſelf reſtor'd to the Archbiſhoprick of *Palermo*, or at leaſt to the Biſhoprick of *Troja*; but *Innocent* was poſitive not to take the Archbiſhoprick of *Palermo* from *Pariſio* Biſhop of *Meſſapa*, nor the Biſhoprick of *Troja* from another Prelate, to whom he had given it.

ON the other hand, *Diopoldus* being ſtill in *Puglia*, kept theſe Provinces in continual Alarm, ſo that the Pope ſent *Giacomo* Count of *Andria* his Marſhal, to aſſiſt the Count of *Brenna*, and likewiſe made the Marſhal Chief Juſtice of *Puglia*, and *Terra di Lavoro*; and the following Year 1204, *Walter* Count of *Brenna*, *Giacomo*

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[1] Chron. Ric. Caſſinenſis Abbas Legatus Vadit in Siciliam, ubi Marcovaldus ſuperveniens diſſenteria miſerabiliter expiravit.

[2] Inveges anno 1203. hiſt. Palerm.

Count of St. *Severino di Tricarico*, and *Ruggiero* Count of *Chieti*, join'd their Forces, and after ſome Enterprizes of little Moment, they laid Siege to *Terracina di Salerno*, of which at preſent there's no Veſtige remaining, and ſoon were Maſters of it [1]; but *Diopoldus* with his Army, and the Aſſiſtance of the *Salernitans* of his Party, beſieg'd the Count of *Brenna* in *Terracina*, and attack'd him ſo vigorouſly, that the Count was wounded in one of his Eyes with an Arrow, inſomuch that he loſt the Sight of it; but the Counts of St. *Severino* and *Chieti* coming to his Aſſiſtance, *Diopoldus* was ſhamefully forc'd to raiſe the Siege, and quit the Territories of *Salerno*, and was beſieg'd by the Count of *Brenna* in *Sarno*.

BUT in the beginning of the Year 1205, the Count of *Brenna* did not guard himſelf ſufficiently againſt the Dangers of War, but expoſ'd his own Perſon and Army, without the Circumſpection that was requiſite, and *Diopoldus* being appriz'd of his Negligence and Security, one Morning early made a Sally unawares upon his Army, and finding them unguarded and careleſs, he attack'd and broke them in an Inſtant [2]; great Numbers were kill'd, and the Count, while he was defending himſelf gallantly with his drawn Sword in his Hand, receiv'd many Wounds, and was made Priſoner, and carried to *Sarno*, where, ſhortly after, according to *Riccardo da S. Germano*, and the Author of the Chronicle of *Foix*, Co-temporary Writers, he died of his Wounds [3].

THE unfortunate *Albinia*, now left a Widow, and big with Child, ſoon after married the above-mention'd *Giacomo S. Severino* Count of *Tricarico*, who forbore to bed with her till ſhe brought forth a Son, who after his Father was call'd *Walter*, and was afterwards Count of *Lecce*; of whom was deſcended Queen *Mary*, and *Brenna*, Wife of *Ladiſlaus* II. as ſhall be told hereafter.

THE Death of the Count of *Brenna* ſo animated *Diopoldus*'s Faction and his *Germans*, and put the Count of *Celano* and his Party into ſo great Conſternation, that *Innocent* himſelf was at laſt forc'd to make Peace with *Diopoldus* and his *German* Followers, and intruſt them with the Adminiſtration of the Kingdom; wherefore the Year following 1206, he receiv'd them into Favour, and having made *Diopoldus* take an Oath from the Hands of *Rinieri* a Friar (according to the Chronicle of *Foix*) and *Maeſtro Filippo* the Apoſtolick Protonotary, who, for that Purpoſe, went to *Terra di Lavoro*, faithfully to obey the Pope, as Guardian of the Kingdom, and his Legates, he was abſolv'd from the Cenſures; and *Marcovaldus* of *Laviano*, and *Corrado di Marlei* Lord of *Sorella*, with all their Followers and Vaſſals, ſwearing in the ſame Manner, were likewiſe receiv'd into the Pope's Favour, as alſo all the *Germans* that liv'd in *Puglia* and *Sicily*. *Diopoldus* went afterwards to *Rome*, and threw himſelf at the Pope's Feet, and was honourably receiv'd, and after having diſcours'd together about the Affairs of the Kingdom, with the Pope's Conſent he return'd to *Salerno*, and from thence with ſome Ships prepar'd for that Purpoſe, he ſail'd to *Palermo* [4].

DIOPOLDUS was no ſooner arriv'd in *Palermo*, than he made himſelf Maſter of the King's Perſon and Palace; which *Gualtieri della Pagliara* the Chancellor, took in ſo ill Part, that in the Night Time, having call'd a Meeting of his Friends, he caus'd *Diopoldus* and his Son to be put in Priſon; but not being ſufficiently guarded, they ſoon after made their Eſcape by favour of the Night, imbark'd and landed in *Terra di Lavoro*, where they fought with the *Neapolitans*, and made a terrible Slaughter [5].

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[1] Chron. de Ric. de S. Germ.

[2] Pell. ad Anon. Caſſin. A. 1205.

[3] Chron. Rich. S. Germ. Diopoldus in eum cum ſuis diluculo irruens, Comes captus ab eo eſt, & cuſtodiæ traditus carcerali, ubi modicum poſt diem clauſit extremum.

[4] Idem, Inn. Papa Romam vocat Diopoldum ad ſe, ipſumque & ſuos a vinculo excommunicationis abſolvit, & tunc cum ipſius licentia Salernum reverſus eſt.

[5] Idem, Tandem nocturno tempore fuga Præſidio liberatus, veniens per Mare Salernum, inde in Terram Laboris ſe confert, ubi cum Neapolitanis iniens pugnam, devicit ſtrage magna facta eis.

SECT. I.

Cuma *deſtroy'd, and its Church united to that of* Naples.

IN this Place we muſt not paſs over in Silence, what an antient *Neapolitan* Writer, and the Author of the *Primer* of St. *Juliana*, which is very antient, written on Parchment, and preſerv'd in the Monaſtery of *Donnaromita*, relate this Year concerning the Deſtruction of *Cuma*, and ſome Battles which the *Neapolitans* had with the *Germans* and *Averſans*, which other grave Authors, and Cotemporary Writers do not ſo much as mention.

THEY ſay [1], that in theſe Times the City of *Cuma* being in a manner deſtroy'd, by Reaſon of the Wickedneſs of the Inhabitants, had loſt the Name of a City, and was become a Receptacle for Robbers and Pyrates, who both by Sea and Land, infeſted Travellers, and the neighbouring Countries: Add to this, the continual Incurſions of the *Germans*, who, ſheltering themſelves in the Caſtle of this City, plagu'd *Terra di Lavoro*, and particularly the Territories of *Naples* and *Averſa*; therefore in order to prevent theſe Miſchiefs, in a Meeting of the Gentry and Commonalty of *Naples*, it was unanimouſly agreed to poſt Detachments of Soldiers at all the Paſſes through which theſe *German* Robbers us'd to come: The neighbouring Counts and Barons hearing of this Reſolution, much incourag'd the *Neapolitans* in ſo commendable a Work, and offer'd to aſſiſt them with their Perſons and Fortunes. Having put their Deſign in Execution, and poſted Guards in ſeveral Places, they were expecting the Enemy to come and attack them. While Matters were in this State, *Goffredo di Monteſuſcolo*, a Captain of great Courage, and a bitter Enemy to the *Germans*, it being now the Month of *March*, went one Evening with ſome of his Friends to *Cuma*, where he was courteouſly receiv'd by the Biſhop of *Averſa*, who then liv'd in the Caſtle. The coming of *Goffredo* thus in the Night-time, made the *Averſans* ſuſpect that the Biſhop had a mind to betray them, and that he had receiv'd *Goffredo*, in order to fortify the Caſtle to their Prejudice, as had been once done before. But the *Averſans* not being fully aſſur'd of this, ſent ſome of their Citizens to *Cuma* to get Information, and with all haſte and ſecreſy, to poſſeſs themſelves of the Caſtle, to prevent *Goffredo*'s doing it. *Goffredo* in the mean time ſeeing that they were come, began to ſuſpect that the Biſhop had ſent for them to make him Priſoner; therefore he was upon his Guard, and fortified himſelf and Followers in a particular Apartment. While both Parties were thus afraid, and upon their Guard, *Goffredo*, becauſe of his ſmall Number, fearing that at laſt he might be ſurpriz'd by the *Averſans*, ſent immediately to *Naples* for Aſſiſtance, and to intreat the *Neapolitans* to make all Haſte to relieve him from the Danger he was in, and to diſpoſe of the Caſtle as they ſhould think beſt. Upon this Meſſage, Count *Pietro di Lettere*, a Kinſman of *Goffredo*, mounted his Horſe and went immediately to *Giugliano*, and took with him the Detachment of Soldiers that was poſted there for defending the *Neapolitans* againſt the *Germans*, and march'd directly to *Cuma*; *Goffredo* overjoy'd, went out to meet him, and made him ſwear, that if the Caſtle ſhould be taken, he would deliver up to him both the Men, Goods and Chattels that were in it, to which he agreed, and they enter'd the City together. Soon after, upon *Goffredo*'s Meſſage, a good Number, both of the Gentry and Commonalty of *Naples* likewiſe came to *Cuma*; whereupon *Goffredo* ſeeing himſelf out of Danger, held a Council with the *Neapolitans* and Count *Pietro*, wherein it was reſolv'd at any rate to make themſelves Maſters of the Caſtle, and to level the City with the Ground, whereby they would for ever be freed from being infeſted by the Robbers and *Germans*. Therefore they deſir'd the *Averſans* and their Biſhop to quit the Caſtle; but the *Averſans* refus'd to comply: Thus, after a hot Diſpute, the *Neapolitans* and *Goffredo*, reſolving not to dally any longer, attack'd the Caſtle both by Sea and Land, and batter'd the Walls ſo furiouſly, and ſet Fire to the Caſtle, that with great Difficulty the Biſhop and *Averſans* made their Eſcape by flight;

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[1] V. Chioccar. de Archiepiſc. Neap. in Anſelmo, anno 1192.

and after the *Neapolitans* had deſtroy'd the City and demoliſh'd the Caſtle, they return'd in Triumph to *Naples*; ſo that *Cuma* being intirely ruin'd, its Church, formerly Suffragan to the See of *Naples*, was now annex'd to it, with all the Rights and Revenues thereof[1].

WHEREUPON, as the above-mention'd Author of St. *Juliana*'s *Primer* relates, *Anſelm* Archbiſhop of *Naples*, and *Leo* Biſhop of *Cuma*, reſolv'd to remove from the great Church of *Cuma*, the Bodies of the Holy Martyrs St. *Maximus*, to whom the Church was dedicated, and St. *Juliana*, and an Infant of Three Months old, whom, 'tis ſaid, *Maximus* made miraculouſly to ſpeak, in Preſence of *Fabianus* the Prefect; to prevent their being carried off by Foreigners: To which they were likewiſe ſollicited by *Brienna*, then Abbeſs of the Monaſtery of *Donnaromita*, who, with all her Nuns, was very earneſt to have the Body of St. *Juliana*; therefore the ſaid *Leo*, *Pietro Frezzarnolo*, Sub-Dean of the Cathedral of *Naples*, And the Abbots of St. *Peter ad Ara*, and St. *Mary a Capella*, with a great Number of the Gentry and Commonalty of *Naples*, went and open'd the Shrine wherein the Relicks were kept, and with great Reverence and Honour, they took them out, and carried them to the Church of St. *Maria a Piedi Grotta*, where they were receiv'd with great Joy by the Abbeſs and Nuns of the ſaid Monaſtery of *Donnaromita*, and a great Number of other Ladies. The next Morning Biſhop *Leo*, with many Gentlemen belonging to the *Seggio di Nido* *, and a vaſt Multitude of other *Neapolitans*, with Olive Branches in their Hands, ſinging Pſalms and Hymns, took the Relicks and carried them to the Church of the Iſland St. *Salvatore*, where now the Caſtle *dell' Uovo* ſtands; where being join'd by the Archbiſhop *Anſelm*, with all the Canons and Clergy, they went in Proceſſion to the City, and plac'd the ſaid Relicks in the Church of the Monaſtery of *Donnaromita*, where they ſtill remain, and are ador'd.

* One of the Tribunals of *Naples*.

THUS ſay theſe Authors: But out of regard to Hiſtory, I muſt not paſs over in Silence, what grave and credible Writers have ſaid on this Subject. *Riccardo da S. Germano*, and the Author of the Chronicle, which is kept in *Monte Caſſino*, tell us, That Count *Diopoldus*, this very Year 1207, in which theſe Things are ſaid to have happen'd, came from *Salerno* to *Terra di Lavoro*, where he ingag'd the *Neapolitans*, and after a terrible Slaughter, routed them[2]; *Riccardo* alſo adds, that he took *Goffredo di Monteſuſcolo* Priſoner, and carried him with him to one of his Caſtles, without ſo much as mentioning the Deſtruction of *Cuma*. Nevertheleſs theſe Accounts may be both true, for, perhaps, *Diopoldus*, being inrag'd at the Ruin of *Cuma*, which is ſaid to have been in the Month of *March*, or becauſe his *Germans* had been ill us'd by the *Neapolitans*, who were poſted to watch them, came to inſult *Naples*, and the *Neapolitans*, with *Goffredo di Monteſuſcolo*, ſallying out, were defeated, many kill'd, and *Goffredo* made Priſoner; but I leave the Deciſion to the judicious Reader.

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[1] V. Chioc. loc. cit. de Epiſcopali Eccleſia Cumana Neapolitanæ unita.

[2] Riccard. da S. Germ. Ubi cum Neapolitanis iniens pugnam, devicit, ſtrage magna facta ex eis.

CHAP. II.

Pope Innocent *makes a Voyage to* Sicily, *where he concludes a Marriage betwixt King* Frederick *and* Conſtantia, *the Daughter of* Alphonſus II. *King of* Aragon; *and defends the Kingdom againſt the Invaſion of the Emperor* Otho IV.

IN the mean time *Gualtieri* the Chancellor, had raiſ'd great Diſturbance in the Royal Palace, for by all Means poſſible, endeavouring to get the Charge of the King's Perſon and Palace from *William Caparon*, but in vain, he put all in Confuſion; and the chief Miniſters of the Kingdom being divided into Factions, gave a fair Opportunity to the *Saracens* of the Iſland, without fear of Puniſhment, to riſe in Arms, and they not only ſhook off all Allegiance to the King, but did a great deal of Damage to the Chriſtians, by taking the Caſtle of *Coriglione* by Storm, and threatning greater Miſchief.

THE Diſorders were no leſs in the Kingdom of *Puglia*, occaſion'd by *Corrado di Marlei*, whom the deceas'd Emperor had made Count of *Sora*, who not only infeſted *Terra di Lavoro*, and the other neighbouring Places; but alſo the Pope's Dominions. *Innocent*, mov'd with Compaſſion for the miſerable Condition of both Kingdoms, determin'd to go to *Sicily*, and on the 30th Day of *May*, of the Year 1208, he arriv'd in *Palermo* with many Cardinals, Archbiſhops, and other Prelates; and finding that King *Frederick* was now grown up, and Thirteen Years of Age, he perſuaded him to marry, and propos'd *Conſtantia*, Siſter to *Peter* King of *Aragon*, which *Frederick* agreed to; whereupon the Pope began to treat of the Marriage with *Sancia*, *Conſtantia's* Mother; and then left *Palermo*, and arriv'd at St. *Germano* the 23d of *June* [1].

UPON his Arrival, he call'd a Meeting of the Barons, Juſtices, and Governors of the Cities and Caſtles; wherein it was reſolv'd, that they, at their own Charges, ſhould furniſh King *Frederick* Two hundred Horſemen, to be ſent to *Sicily*, and there to continue a whole Year. He likewiſe appointed *Pietro* Count of *Seldno*, and *Riccardo dell' Aquila* Count of *Fondi*, to be Juſtices and Governors of the Kingdom of *Naples*, and committed the Charge of *Puglia* and *Terra di Lavoro*, to the Count of *Celano*, and that of the City of *Naples* and its Territories, to the Count of *Fondi*. Beſides, he reſtor'd what was amiſs in the Adminiſtration of Juſtice, which, by the continual Wars, and the Inſolence of the *Germans*, had been little minded, and made other Regulations for the better Government of the Kingdom, as *Riccardo da S. Germano*, and the Chronicle of *Foix* relate. He recommended Peace and Unanimity, and if any Perſon ſhould be injur'd, he was to have recourſe to the above-mention'd Counts, and lay his Complaints before them; and whoever ſhould dare to oppoſe what he had ordain'd, or diſturb the Peace of the Kingdom, ſhould be declar'd an Enemy to the Commonwealth, and ſeverely puniſh'd [2].

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[1] R. S. Germ. A. 1208. Innocentius Papa Vigilia S. Jo. menſe Junio venit ad S. Germanum, ubi ab Abate Roffrido magnifice receptus eſt, tam ipſe, quam fratres ſui Domini Cardinales.

[2] Idem, Qui autem ordinationem iſtam recipere noluerint, vel recuſaverint, tanquam hoſtes publici habeantur, & a cæteris impugnentur.

INNOCENT, not content with what had been ordain'd in the Meeting, after it was over, wrote to all the Counts, Barons, and People of the Kingdom, who had not been preſent in the Aſſembly, exhorting them to obſerve what had been therein ordain'd, and to obey whatever *Gregorio Creſcenzio Romano* Cardinal of S. *Theodore*, his Legate in *Campagna di Roma*, and *Riccardo* his Couſin (whom he had this Year 1208. inveſted with the County of *Sora*, as a Reward for his having defeated and taken *Corrado di Marlei*, who was diveſted of the ſaid County[1]) in his Name ſhould command them to do; all which may be ſeen in one of this Pope's Letters[2].

INNOCENT, having thus ſettled the Government of this Kingdom, went up to *Monte Caſſino* to viſit that holy Place, to which he confirm'd all the Privileges granted to it by the Popes his Predeceſſors, and added new ones. While he was there, he had Advice, that *Philip* King of *Germany*, King *Frederick*'s Uncle, had been murder'd by his own People; whereupon, in order to be nearer at Hand, to give what Aſſiſtance he could in the Affairs of the Empire of the Weſt, he left *Terra di Lavoro*, and by the Way of *Sora* and *Atino*, with all his Cardinals, return'd to *Campagna di Roma*[3].

AFTER the Death of the Emperor *Henry*, though the Empire belong'd to his Son *Frederick*; for, according to the Abbot of *Uſperg*[4], *Henry* in his Life-time had got almoſt all the Princes of *Germany* to elect him King, and ſwear Fealty to him; yet *Henry* was no ſooner dead, than two oppoſite Factions about the Election of a Succeſſor ſtarted up, and the Majority of the Electors elected *Philip* Duke of *Suevia*, Brother of the deceas'd Emperor, and in the Year 1197. he was crown'd King of *Germany* in *Mentz*, by his own Party; the other Electors, inferior in Number, elected *Otho* Duke of *Saxony*, and crown'd him in *Aix la Chapelle*. But, though *Innocent* III. had favour'd *Otho*'s Party, and confirm'd his Election[5]; yet *Philip*'s Party prevail'd, and he held the Empire ten Years, and at laſt, *Otho* himſelf, after a bloody War, yielded to him, and made Peace with him, and in the Year 1207. *Philip* gave his Daughter *Beatrix* to *Otho* in Marriage, with this Condition, that after *Philip*'s Death, *Otho* ſhould ſucceed in the Kingdom of *Germany*. But when *Philip* was thus ſettled in the Empire, the Year following 1208. he was treacherouſly kill'd in his own Palace, in the City of *Bamberg*, by *Otho* Count Palatine, his bitter Enemy; whereupon *Otho* Duke of *Saxony* aſpir'd anew to the Empire, and was this ſecond Time favour'd by *Innocent*, who, the Year following, when *Otho* came to *Italy*, crown'd him in *Rome*, and he was call'd *Otho* IV.

BUT after the Pope left *Terra di Lavoro*, new Troubles aroſe in that Province, for *Riccardo dell' Aquila* Count of *Fondi*, joining with Count *Diopoldus*, lorded it over the City of *Capua*, whither he had been invited by the *Capuans* themſelves, who had turn'd out *Pietro* Count of *Celano*[6], who then govern'd that City, becauſe they mortally hated *Riccardo* his Son, their Archbiſhop.

IN the mean Time Pope *Innocent* had concluded the Marriage betwixt King *Frederick* and *Conſtantia* Widow of *Albericus* King of *Hungary*, and Daughter of *Alphonſus* II. King of *Arragon*, and *Sancia* his Wife. *Zurita*, the judicious and impartial Writer of the Annals of *Arragon*, ſays, that Queen *Sancia*, after the Death of the King her Huſband, ſent her Secretary, nam'd *Columbus*, to *Rome*, promiſing *Innocent*, in caſe the Marriage was concluded, to ſend Two hundred Horſe at her own Charges to *Sicily* for aſſiſting her Son-in-Law; or if it ſhould be thought proper, ſhe herſelf would conduct her Daughter, with 400 Horſe, provided ſhe was ſecur'd that the Charges of the War ſhould be repay'd her, in caſe the *Sicilians*, who were Maſters of the King's Perſon, ſhould put a Stop to the Marriage; requiring beſides, that if *Frederick* ſhould die before the Conſummation of the Marriage, her Son Don *Ferdinand*, *Conſtantia*'s Brother, whom the Father had educated for the Church[7], ſhould be inveſted with his Kingdoms. After this Meſſage *Innocent* ſent his Ambaſſadors to *Arragon*, who, in Conjunction with Ambaſſadors likewiſe ſent by *Frederick*, after diverſe Conferences, concluded the Marriage. But before *Conſtantia* left *Arragon*, Queen *Sancia* died; and afterwards in the Month of *February* 1209. *Conſtantia* imbark'd in *Catalan* Gallies, accompanied by D. *Alphonſus* Count of *Provence*, her Brother, and a great Number of *Spaniſh* and *Provenſale* Gentlemen, and landed in *Sicily*; but whilſt this Marriage was celebrating with great Pomp and Magnificence, all their Mirth was converted into Grief, by the Death of D. *Alphonſus*, and many of his Retinue; for through the Badneſs of the Air *Palermo* was afflicted with a contagious Diſtemper, which prov'd mortal to many; inſomuch that the young King, who was only 14 Years old, in the Midſt of Joy and Grief, was forc'd to leave *Palermo*, and go wandering up and down from one City of the Iſland to another.

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[1] Tutin. *in his Book* de Conteſtabili del Regno, fol. 38. *likewiſe mentions this Inveſtiture; yet the Co-temporary Author* de Geſtis Innocentii, *ſays, That this Inveſtiture was given by the King, and not by* Innocent.

[2] Epiſt. Inn. *which begins* Affectum dilectionis, & gratiæ, *&c.*

[3] Chron. S. Germ. Per Atinum iter faciens Soram contulit, indeque in Campania reverſus eſt.

[4] Ab. Uſpergenſis: Henrico VI. eoque procurante, Principes Alemanniæ pene omnes filium parvulum ipſius Fridericum II. adhuc incunis vagientem aſſumpſerunt in Regem, eique fidelitatem juraverunt, & literas de hoc facto cum Sigillis ſuis Imperatori tranſmiſerunt.

[5] Cap. Venerabilem de Elect. Ab. Uſperg.

[6] Ric. S. Germ. in odium Celani Comitis.

[7] Zurit. Quem pater ſacro Ordini dicaverat.

WHILE this contagious Diſtemper oblig'd King *Frederick* to leave *Palermo*, *Pietro* Count of *Celano*, by Means of his Son the Archbiſhop, got Poſſeſſion again of *Capua*; and at the ſame Time *Otho* King of *Germany*, by the Death of *Philip* his Father-in-Law, breathing after the Empire of the Weſt, came into *Italy* with a powerful Army, and arriving in *Rome*, was receiv'd by Pope *Innocent*, and on the 7th of *September* this Year crown'd with the Imperial Crown, and *Riccardo da S. Germano*, ſays, that the Pope crown'd him *præſtito Juramento de conſervando Regalibus S. Petri, & de non offendendo Regem Siciliæ Fredericum.* But whilſt *Otho* and his Army continued in *Rome*, there happen'd a terrible Quarrel betwixt his Soldiers and the *Romans*, who taking up Arms, kill'd a great many *Germans*; whereupon *Otho* in great Wrath left *Rome*, and march'd into *Marca*, where he laid waſte, and took by Force the Lands and Cities of the Church, notwithſtanding the Oath he had taken.

IN the mean Time the Abbot *Roffredo*, having for many Years govern'd the Abbey of *Monte Caſſino*, on the laſt Day of *May* ended his Days in S. *Germano* [1]; after whoſe Death Count *Diopoldus*, and the Count of *Celano* being reconcil'd, and the one being Maſter of *Capua*, and the other of *Salerno*, both of them perſuaded *Otho*, who was then in *Tuſcany*, to come and take Poſſeſſion of the Kingdom, and *Diopoldus* promis'd to deliver up *Salerno* to him, and the Count of *Celano Capua*, which Invitation and Offer, the Emperor, notwithſtanding his Oath he had ſworn to the Pope not to diſturb *Frederick*, gladly accepted, and having aſſembled his Army, he enter'd *Abbruzzi* by the Way of *Rieti* and *Marſi*, from whence he march'd into *Terra di Lavoro*, whither *Pietro* Abbot of *Monte Caſſino*, who had ſucceeded *Roffredo*, afraid for the Lands of his Abbey, contrary to the Opinion of his Monks, ſent Meſſengers to beg Peace of him, and ſhortly after went himſelf with all Submiſſion to wait upon him, and to be at his Mercy; for which Cauſe, neither the Territories nor Goods of the Monaſtery ſuffer'd in the leaſt by the *Germans*.

OTHO having gone to *Capua*, created Count *Diopoldus* Duke of *Spoleto* [2], who, beſides having given him *Salerno*, had join'd him with all his Followers. From *Capua* both of them went to beſiege *Aquino*, but they were repuls'd with great Loſs by *Tommaſo*, *Pandolfo*, and *Ruberto* Lords of that City. *Naples* out of ſpite to the *Averſans* ſurrender'd to *Otho*; who at the Requeſt of the *Neapolitans* march'd to lay ſiege to *Averſa*; but the *Averſans* having given him a good Sum of Money, and receiv'd him kindly into their City, ſubjected themſelves to him, and ſuffer'd no other Damage [3]. From thence *Otho* march'd into *Puglia*, where the *Puglians*, partly through Fear, and partly by Force, for the moſt part ſurrender'd to him, and *Calabria* follow'd their Example, and the Places that made any Reſiſtance were pillag'd and ruin'd.

POPE *Innocent*, ſeeing the fineſt Provinces of this Kingdom thus loſt, endeavour'd all he could to divert *Otho* from his Undertaking; for which end he ſent the Abbot of *Uſperg*, as he himſelf relates, five Times from *Rome* to *Capua*, to treat of an Agreement with the Emperor, but all to no Purpoſe; for *Otho* looking upon all theſe Provinces, as well as all the reſt of *Italy*, as belonging to the Empire, by no Means would part with what he had conquer'd from the King of *Sicily*, but endeavour'd to be Maſter of all *Italy*.

IT had been already the Cuſtom of the Popes in thoſe Times, not only to excommunicate, but likewiſe to depoſe the Emperors, by abſolving their Vaſſals from their Oaths; and this they did, not only on account of Hereſy, but alſo for Things merely Temporal, ſuch as incroaching upon the Poſſeſſions of the Church, or thoſe of other Princes her Friends and Confederates. *Innocent* on this Occaſion, finding that *Otho* was obſtinately reſolv'd not to part with what he had poſſeſs'd himſelf of in *Marca* of the Church Lands, and what he had conquer'd from King *Frederick* [1], excommunicated him, and declar'd him an Enemy of the Holy Church. He likewiſe interdicted the Church of *Capua*, becauſe the Clergy thereof had dared to celebrate Divine Offices in the Emperor's Preſence; he alſo excommunicated all his Adherents: And having call'd a Council in *Rome*, he depriv'd him of the Empire; but becauſe theſe Thunderbolts are thrown in vain, if they are not back'd and ſupported by the Electoral Princes, therefore this ſame Year 1210. *Innocent* wrote Letters to the *German* Princes, wherein he exaggerated the Damage *Otho* had done to the Church contrary to the Tenor of the Agreement, and the Oath he had given, when he was crown'd in *Rome*; therefore, ſeeing *Otho* was perjur'd, excommunicated, and had forfeited the Empire, he exhorted them to elect another in his Room. This mov'd many of theſe Princes to take up Arms againſt the Emperor, which occaſion'd a new War and Revolutions in *Germany*; as ſoon as *Otho* was appriz'd of theſe Commotions, he immediately left *Puglia*, and return'd to *Germany*; but that did not hinder the Election to go on, for the Archbiſhops of *Mentz* and *Triers*, the King of *Bohemia*, *Herman* Count of *Thuringia*, the Dukes of *Auſtria*, *Saxony*, and *Bavaria*, and many other *German* Lords, who, beſides being his declar'd Enemies, call'd to mind that *Frederick* had been elected King of the *Romans*, while he was but a Child in his Father's Life-time, and that they had ſworn to him, elected King *Frederick* Emperor, who was but fifteen Years old.

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[1] Chron. di Foſſa nova, tom. 1. Ital. ſacra col. 488.

[2] Idem, Ducem. Spoleti fecit illum.

[3] Ric. S. Germ.

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[1] Idem, Illum excommunicat, & Eccleſiam Capuanam ſub interdicto ponit, pro eo quod auſi ſint celebrare ipſo præſente in Octavis B. Martini, Excommunicat etiam omnes fautores ipſius.

CHAP. III.

King Frederick *being elected Emperor, goes to* Germany, *and is crown'd in* Aix la Chapelle; *and* Innocent *ſummons a General Council to be held in the* Lateran *Palace.*

AFTER the Princes of *Germany* had elected *Frederick*, they preſently ſent two Ambaſſadors, *Anſelm* and *Henry*, to notify the Election to him, and conduct him to *Germany*; the Ambaſſadors being come to *Verona*, *Henry* ſtopp'd there in order to induce the *Lombards* to eſpouſe the new Emperor's Intereſt, and eſpecially thoſe of the *Veroneze* [1]; and *Anſelm* came to *Rome*, where, with the Pope's Conſent, he us'd his utmoſt Endeavours to get the *Romans* to approve of *Frederick*'s Election. From thence he went over to *Sicily*, and it was with great Difficulty, that he got *Conſtantia* and the *Sicilian* Barons to conſent to *Frederick*'s going to *Germany*, for fear that his Enemies ſhould murder him treacherouſly. But at laſt, deſpiſing all Dangers, and incourag'd by *Innocent*, he left *Conſtantia* in *Sicily*, with a Son ſhe had born to him, nam'd *Henry* after his Grandfather, and imbark'd in *Gaetan* Ships, and after a proſperous Voyage landed at *Gaeta*; where he took ſhipping again, and in the Month of *April* 1211. arriv'd in *Rome* [2], where he was joyfully receiv'd by the Pope, the Senate and the People of *Rome*, from whence he went likewiſe by Sea to *Genoa*, where he was heartily welcom'd by the People of that City, who, leſt he ſhould be attack'd by thoſe of the *Milaneze*, great Favourers of *Otho*, eſcorted him to *Padua*; and in the ſame manner, the People of *Padua* and *Cremona* joining together, conducted him through the Valley of *Trent*, and the ſteepeſt Parts of the *Alps*, to avoid any Ambuſhes that *Otho* might have laid in the Way, and he arrived ſafely in the Country of the *Griſons*, and being honourably entertain'd by the Biſhop and the Abbot of S. *Gall*, and accompanied by them, he arriv'd at *Conſtance*.

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[1] Abb. Uſperg.

[2] Ric. S. Germ.

BUT *Otho*, who in the mean Time had carried on a cruel War againſt thoſe of *Frederick*'s Faction, hearing of his Arrival, preſently left *Thuringia*, and came to *Uberlingen* near *Conſtance*, in order either to diſpatch *Frederick* out of the Way, or take him Priſoner before he ſhould gather more Strength in *Germany*; but being deſerted by many of his Followers, who went over to his Enemy, his Deſigns were blaſted. And while *Frederick* was in *Conſtance*, he was join'd by a good Body of the *Suevians*, beſides a great Number of *German* Barons, who, out of Reſpect to the Memories of his Father and Grandfather, lov'd him dearly. *Otho* ſeeing his Forces daily dwindling away, in the Beginning of the Year 1212. went to *Briſac* ſituated on the Banks of the *Rhine*, where he left no Stone unturn'd to augment his Army, but the Citizens being grievouſly oppreſs'd by the Soldiers, with unanimous Conſent fell upon them, and drove them out of the City, killing and diſperſing the whole Army; whereupon *Otho*, ſeeing no other way to make his Eſcape, with a ſmall Retinue, fled to *Saxony*. The News of this being ſpread among the *Germans*, they went all over to *Frederick*, who march'd down the Banks of the *Rhine*, and was favourably receiv'd in *Hainault*; but ſome of theſe People continu'd faithful to *Otho*, ſhut their Gates, and began to diſpute his Paſſage, but in a few Days they were likewiſe forc'd to ſubmit, and he march'd to *Aix la Chapelle*, whither the greateſt Part of the *German* Princes went, and, contrary to *Frederick*'s Expectation, chearfully embrac'd his Intereſt; and in the Year 1213. the Twentieth of his Age, according to the Abbot of *Uſperg*, *Baronius*, and *Bzovius*, but the Eighteenth according to *Inveges*, he was crown'd by the Archbiſhops of *Mentz* and *Triers* [1].

OTHO, ſeeing himſelf thus deſerted by the Princes of the Empire, turn'd his Arms againſt *Philip* King of *France*, who beat him, and put him to flight, and *Philip*, to humble him the more, made a Truce with the Emperor *Frederick* [2], who taking Advantage of this favourable Opportunity, forthwith attack'd the Imperial Cities that favour'd *Otho*, and harraſs'd them in ſuch a manner, *ut urbes ad deditionem, & Othonem ad veniam petendam impulerit*, as *Gordon* has it.

POPE *Innocent* finding *Otho* cruſh'd, and *Italy* and all other Chriſtian Dominions now at Peace, and the Affairs of the Empire of the Weſt in a fair Way to his liking, and at the ſame Time having receiv'd the agreeable News of the famous Victory gain'd by D. *Pedro* II. King of *Caſtile* and *Arragon*, the Empreſs *Conſtantia*'s Brother, and *Sanctius* King of *Navar*, in the Fields of *Toledo*, over the King of *Maroco*, and his Moors, bent his Mind to a more noble Undertaking; he ſaw that the *Turks* both in *Spain* and the Holy Land grievouſly moleſted the Chriſtians, therefore he wrote Letters to all Chriſtian Princes, exhorting them to lay aſide their private Quarrels, put on the Croſs, and go to the Holy War; and he ſent two Cardinal Legates to aſſemble what People they could to go to *Paleſtine*. He likewiſe wrote to *Saladin* Soldan of *Babylon* and *Damaſcus*, to reſtore *Jeruſalem* to the Chriſtians, and ſet at Liberty all the Priſoners, promiſing to ſet at Liberty all the *Turks* that were Priſoners in *Chriſtendom*; but his Labour was loſt, for that Prince neither minded the Pope's Letters nor his Meſſengers. *Innocent* likewiſe ſummon'd a General Council to be held in *Rome* in the *Lateran* Palace the following Year 1215. which began to be celebrated the firſt Day of *November* the ſame Year, in which were preſent 70 Archbiſhops, 412 Biſhops, and 800 Abbots and Priors. Ambaſſadors from all Chriſtian Princes were likewiſe at this Council, and *Berardo* Archbiſhop of *Palermo* was ſent by *Frederick* [3]. The People of the *Milaneſe*, who were great Partizans of *Otho*, did not fail likewiſe to ſend one of their Citizens to defend his Right in this Aſſembly; in which many Points were examin'd and hotly debated.

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[1] Ric. S. Germ. Aquis per Antiſtites Moguntium, & Treverenſem coronam accepit.

[2] Abb. Uſpergenſis.

[3] Ric. S. Germ.

THE chief Point was the Expedition to the Holy Land, to recover *Paleſtine* from the Infidels, and make up the Differences betwixt Chriſtian Princes, to which the Ambaſſadors promis'd the utmoſt Aſſiſtance of their Maſters.

OTHO's Depoſition, and *Frederick*'s Coronation in *Aix la Chapelle*, were alſo ſtrongly debated, and the *Milaneze* Deputy made a long Speech in favour of *Otho*, and told the Council, That he was willing to become an obedient Son of the Church, and therefore ought to be reſtor'd to his former Imperial Dignity, and *Frederick*'s Election declar'd void: But the Marquis of *Monſerrat* ſtood up for *Frederick*, and made a Speech, wherein he ſaid, That no Perſon ought to be heard that ſpoke in *Otho*'s Name, and produc'd Six Articles of Accuſation againſt him [1]. The firſt was the Breach of his Oath to the Chnrch of *Rome*, whereby he ſwore not to invade her Lands, nor *Frederick*'s Dominions. II. That he had not reſtor'd theſe Lands for which he was excommunicated, and had ſworn to reſtore them. III. That he favour'd an excommunicated Biſhop. IV. That he impriſon'd a Biſhop Legate of the Holy See. V. That in Contempt of the Church of *Rome*, he call'd King *Frederick*, *King of Prieſts* [2]. VI. That he deſtroy'd a Monaſtery of Nuns, and made a Fort of it. Then turning towards thoſe of the *Milaneze* that were preſent, he inveigh'd againſt them, as *Frederick*'s Enemies; but they, no ways afraid, were going to anſwer him, when the Pope made a Sign with his Hand, roſe from the Throne, and went out of the Church. This weighty Affair of *Frederick* and *Otho*, according to *Riccardo*, was debated in the Council with great Warmth, from the Feaſt of St. *Martin* to that of St. *Andrew*; on which Day the Pope approv'd of the Election made by the Princes of *Germany* in *Aix la Chapelle*, and confirm'd *Frederick Roman* Emperor, and it was reſolv'd that he ſhould be invited to *Rome* to take the Crown, according to the Cuſtom of his Predeceſſors.

IN this Council the Sacraments of Penance, and the Euchariſt, were narrowly examin'd into, and eſpecially the Condemnation of the Hereſy of the *Albigenſes* was cloſely debated; this Hereſy being favour'd by the Count of *Toulouſe*, and many great Men in *France*, had taken deep Root there.

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[1] Idem, Sex in medium Capitula protulit.

[2] Idem, Quia in contemptum R. Eccleſiæ Regem Fredericum, Regem appellavit Presbyterorum.

CHAP. IV.

The Origine of the Inquiſition againſt Hereticks; and the Death of Pope Innocent III.

THE Tribunal of Inquiſition againſt Hereticks, had its Riſe at this Time. The Apoſtles apply'd no other Remedy to this Evil, than Admonition; if the Heretick, after being once or twice admoniſh'd, continu'd obſtinate, he was excommunicated, and all Catholicks were injoyn'd to have no Fellowſhip with him. And this was all, till *Conſtantine* imbrac'd the Chriſtian Religion. Among the Inſtructions which the Fathers of the Church gave to *Conſtantine* and his Succeſſors; one was, that ſeeing they were Chriſtians as well as Princes, they were oblig'd to ſerve God in both Capacities. As Chriſtians, by obſerving God's Holy Commandments, as much as any private Perſon; as Princes, by making good Laws, directing their Subjects to lead godly, righteous and ſober Lives; by puniſhing the Tranſgreſſors of the

Divine Precepts, and eſpecially of the Decalogue: And ſince, 'tis a more heinous Crime to tranſgreſs the firſt Table, which regards the Honour of God, than the Second, which regards Juſtice betwixt Man and Man, therefore Princes are more oblig'd to puniſh Blaſphemy, Hereſy, and Perjury, than Homicide and Theft. For which Cauſe, many Laws were made againſt Hereticks, with ſevere Sanctions againſt the Broachers and Teachers of Hereſies, and thoſe who by ſuch Doctrine rais'd Diſturbance and Sedition in the Commonwealth. *Conſtantine the Great* made Two ſuch Laws [1]. *Conſtans* his Son made none, becauſe he was a Heretick. *Valentinian the Elder* made one [2]. *Valens* made none, becauſe he was likewiſe a Heretick. *Gratian* publiſh'd Two [3]. *Theodoſius the Great* publiſh'd Fifteen [4]. *Valentinian the Younger* Three [5]. *Arcadius* Twelve [6]. *Honorius* Eighteen [7]. *Theodoſius the Younger* Ten [8]; and *Valentinian* III. Three [9].

THE Puniſhment inflicted on thoſe Hereticks, was not always the ſame; but according to the Circumſtances, ſometimes more ſevere, ſometimes more mild: Neither was there any Law that puniſh'd Hereticks in general with Death. The *Manichees*, the *Priſcillianiſts*, and their Doctors, and thoſe who rais'd Diſturbance, were the moſt ſeverely puniſh'd. They were commonly baniſh'd, declar'd infamous, render'd incapable of military Imployments, and all Honours and Dignities; to make Wills, to make Donations, to Buy or Sell, or make any kind of Contracts; they were fin'd, and their Goods, either in part, or in whole, confiſcated, according to the Circumſtances of their Crimes: Capital Puniſhment, in ſome ſingular Caſes, was only threatned by the Emperors, as againſt the *Manichees*, the Stirrers-up of Sedition and Commotions; and againſt other Hereticks, according to the Heinouſneſs of the Crimes, or their Obſtinacy in the Caſes recorded in the *Theodoſian* Code [10], and enumerated by *Jacobus Gothofredus*.

BUT ſince, in criminal Proceſſes, three Points are to be conſider'd; the Cognizance of the Validity of the Crime; the Cognizance of the Fact, and the Sentence; therefore in Trials of Hereſy, the Cognizance of the Validity, that is to ſay, whether ſuch an Opinion be heretical or not, was always reputed to belong to the Eccleſiaſtical, and in no reſpect to the ſecular Magiſtrate; whence in theſe Times, when any Difficulty aroſe concerning any Opinion, the Emperors had recourſe to the Judgment of the Biſhops, and, if need was, they call'd Councils. But to take Cognizance of the Fact, whether the Perſon was Innocent or Guilty, and to impoſe the Puniſhment ordain'd by the Law, or to abſolve or condemn, belong'd to the ſecular Magiſtrate.

SEEING then that it belong'd to the ſecular Magiſtrate to take Cognizance of the Fact, the Emperors made many Laws, whereby they preſcrib'd Means for proving the Fact. They declar'd Hereſy to be a publick Crime, therefore allow'd all Perſons to be Accuſers, eſpecially when the Proceſs was taken out againſt the *Manichees*, the *Phrygians*, and the *Priſcillianiſts*. They allow'd of Informers; and in ſome Caſes in order to diſcover conceal'd Hereticks and their Doctors, they appointed *Inquiſitors*. And *Gothofredus* obſerves [11], that *Theodoſius the Great* was the firſt that appointed *Inquiſitors*, and was afterwards imitated by *Arcadius* and *Honorius*; but this ſame Writer adds, that they were not commonly imploy'd againſt all Hereticks; but only in weighty Caſes, where Severity and Rigour were neceſſary, as againſt the *Manichees*, the Authors of new Sects and their Doctors, the *Eunomians*, and others of the Clergy, Authors of abominable Superſtitions and Hereſies. For the more eaſy Proof of this Crime, Servants were allow'd to accuſe their Maſters [12]; yea, their very Wives and Children were admitted; and in fine, Proceſſes were framed by the ſecular Magiſtrate, according to the Preſcription of the Laws of the Emperors; and after the Biſhops had declared the Opinions heretical, and excommunicated and anathematiz'd thoſe that held ſuch Opinions; they meddled no more, nor durſt they ſo much as acquaint the Magiſtrates with theſe Opinions, for fear of being guilty of a Breach of Charity.

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[1] Cod. Th. lib. 1. & 2, de Hæreticis.

[2] L. 3, 6. cod. eod. tit.

[3] L. 4 & 5.

[4] L. 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23.

[5] L. 5, 18, 20.

[6] L. 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36.

[7] L. 35, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 51, 52, 53, 54, 55, 56.

[8] L. 48, 49, 50, 57, 58, 59, 60, 61, 65, 66.

[9] 62, 63, 64.

[10] Cod. Th. L. 9, 34, 36, 38, 43, 44 de Hæret.

[11] Goth. in l. Quiſquis 9. C. Th. de Hæret.

[12] Idem in Paratitl. ad tit. C. Th. de Hæret.

BUT others finding, that the Fear of the Magiſtrate overcame the Frowardneſs of the Obſtinate, and was more powerful than the Love of Truth, thought, that they were in Duty bound to accuſe Hereticks, and give Information of their wicked Practices to the ſecular Judges, that thereby they might ſpur them on to put the Imperial Laws in execution. But ſeeing it ſometimes happen'd, that the ſecular Judges were oblig'd to proceed againſt ſome heretical Doctor, who, by his wicked Doctrine, occaſion'd Diſturbance and Sedition, the Puniſhment of which, becauſe of the Heinouſneſs of the Crime, might be extended to Death; in ſuch Caſe, the Eccleſiaſticks forbore to appear before the Magiſtrates, but always did what they could to divert them from capital Puniſhment. St. *Martin* excommunicated a Biſhop in *France*, becauſe he had accus'd certain Hereticks to *Maximus*, who had got himſelf to be proclaim'd Emperor, which Hereticks were, by his Order, put to Death; and though St. *Auguſtine*, out of Zeal for the Purity of the Church, very often and ſtrenuouſly ſollicited the Proconſuls, Counts, and other Imperial Miniſters in *Africa*, to put the Laws of the Princes in execution, and inform'd them of the Places, where the Hereticks kept their Conventicles; yet when he ſaw that the Judges were inclin'd to puniſh with Death, he always begg'd and conjur'd them, for the Love of God and Jeſus Chriſt, not to puniſh them with Death; and in a Letter to *Donatus*, Proconſul of *Africa*, he told him plainly, that if he ſhould go on to puniſh Hereticks with Death, the Biſhops would forbear to accuſe them, and ſeeing none others did accuſe them, they would go unpuniſh'd, and the Imperial Laws would not be put in execution; but if he proceeded mildly, without ſhedding Blood, they would be vigilant to diſcover them, and inform againſt them, both for the Service of God, and the Execution of the Laws.

IN this Manner were Proceſſes againſt Hereſy carried on under the *Roman* Empire, till the Year 800 of our Redemption; when the Empire of the Eaſt was ſeparated from that of the Weſt. And the ſame Form was continu'd in the Empire of the Eaſt as long as it laſted, as is clear from *Juſtinian*'s Code, and the *Novellæ* of the other Emperors of the Eaſt his Succeſſors.

BUT in the Weſt every thing was alter'd, either becauſe Princes had no occaſion to make Laws againſt Hereſy, or they little minded it; for during the Space of Three hundred Years, from the Year 800 to 1100, there appear'd few Hereticks in theſe Parts; and when any ſuch did appear, the Biſhops made themſelves Judges; for through the Indolence of Princes, the Biſhops having much extended their Eccleſiaſtical Juriſdiction, aſſum'd the Power of judging Hereticks, and as they proceeded in other Eccleſiaſtical Crimes, ſuch as not obſerving Feſtivals, not keeping Faſts, and the like, judging and puniſhing in thoſe Places, where Princes had granted them Power to exerciſe Juriſdiction, and where they had not Juriſdiction, they had recourſe to the ſecular Magiſtrate, who puniſh'd them: So likewiſe they proceeded in the ſame Manner againſt Hereticks in the Crimes of Hereſy.

AFTER the Year 1100, by the continual Diſſenſions and Wranglings, which for Fifty Years before had been betwixt the Popes and the Emperors, and by thoſe which laſted all the following Century to 1200, accompanied with frequent Wars, and Scandals, and the licentious Lives of the Eccleſiaſticks, a Multitude of Hereticks ſtarted up, whoſe Hereſies generally ſtruck at the Eccleſiaſtical Authority, ſome attacking their Looſeneſs of Manners, ſome their Power and Wealth, maintaining with the *Arnaldiſts*, that Eccleſiaſticks ought to poſſeſs nothing in Property; and ſome carrying Matters farther, condemn'd the Baptiſm of Infants, and re-baptiz'd adult Perſons; threw down Churches and Altars, broke the Croſſes; and others did not approve of the Celebration of Maſs, and taught, that Alms and Prayers did not avail the Dead: So that the Number of Hereticks in theſe Times was become very great, and they either took their Names from their Doctors, who broach'd the Hereſies, or from the Places where they flouriſh'd moſt; but in the main they all agreed in Manicheiſm. And as under the *Roman* Empire, from *Conſtantine the Great*, to *Valentinian* III. their Number was prodigious, and went under the Names of their Authors; ſuch as the *Arians*, the *Macedonians*, *Pneumatomachi*, *Apollinariſts*, *Novatians*, *Eunomians*, *Valentinians*, *Paulianiſts*, *Papianiſts*, *Montaniſts*, *Marcioniſts*, *Donatiſts*, *Photians*, and many other Sects, which may be ſeen in the *Theodoſian* Code[1]: So likewiſe in theſe Times they were call'd *Arnaldiſts*, from *Arnaldo da Breſcia* their famous Head, the *Leoniſtæ*, the *Inſabbathati*, the *Waldenſes*, the *Speroniſta*, the *Publicani*, the *Circumciſi*, the *Gazari*, and the *Patareni*, who, being prepar'd to ſuffer all Indignities and Affliction, by affecting an incredible Conſtancy, would be call'd *Patareni*, in oppoſition to Catholicks, who, for the ſake of Religion, ſuffer Slaughter, and after Death, are call'd Martyrs; ſo they, for their Belief, with the ſame Conſtancy, expoſing themſelves to the like Danger, would be call'd *Patareni* [1]. But the moſt conſiderable in theſe Times, were the *Albigenſes*, ſo call'd from *Alby*, the Place to which they retir'd, and being protected by the Count of *Thouloufe*, ſpread their Doctrine in many Provinces of *France*.

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[1] Cod. Th. tit. de hæret. lib. 16.

BUT on the other hand, in theſe very Times, for the Support of the Church of *Rome*, there appear'd two bright Lights, *Dominick* and *Francis*, who, for their Sanctity, became famous every where, and founded the Orders of *Preaching Friars*, and *Minors Friars*, which were ſuch fruitful Plants, and multiplied to that degree, that in a ſhort time all *Europe* was full of gallant Champions, who, neither ſparing Fatigue, nor other Inconveniencies, expos'd themſelves to all Dangers, and fought boldly for the *Roman* Pontiffs. *Francis* imbracing ſevere and rigid Poverty, in imitation of our Saviour, endeavour'd to bring his Order, and thoſe that imbrac'd it, to the antient Diſcipline, and his own Principles, and ſeeing his Order was founded on Humility and Poverty, he reſolv'd, in imitation of the primitive Times, to clothe them after the antient Manner; and thus, more by exemplary Lives, than by Preaching and Sermons, to remove Error. On the other hand, *Dominick*, a *Spaniard* by Nation, of the City of *Calaborra*, of the renown'd and noble Family of the *Guſmans*, with thoſe of his Order, went another way to work for ſuppreſſing the growing Hereſies. The Biſhops were not ſufficient for ſuch a Work, as well becauſe of the great Number of Hereſies, as that neither they nor their Vicars were ſo well qualified nor ſo careful as the Popes wiſh'd, and was requiſite; therefore *Innocent* III. perceiving the Zeal of theſe riſing Heroes, gave them in charge to go and preach the true Faith to the Hereticks, in order to convert them; to exhort Princes and all good Catholicks, to proſecute the Obſtinate, and to inform themſelves of the Number and Quality of the Hereticks in all Places wherever they went, and of the Zeal of the Catholicks, and the Diligence of the Biſhops, and to bring an account of all to *Rome*; whence they got the Name of *Inquiſitors*. *Dominick* labour'd ſo heartily, and with ſo much Zeal againſt the *Albigenſes*, that Pope *Innocent* declar'd him *Inquiſitor* General againſt theſe Hereticks: *Dominick* perceiving that Sermons and Diſputes made no Impreſſion upon the Minds of obſtinate Hereticks, thought that the beſt way to extirpate them, was to have recourſe to the Aſſiſtance of the Count of *Monfort*, and other *Spaniſh*, *German* and *French* Lords, who being joyn'd with a great Number of Biſhops, enter'd into a Cruſade, and in the Province of *Narbone*, and other Places, defeated and deſtroy'd them. But like ſo many Hydras, they ſtill multiply'd, and *Dominick* came to *Rome*, and in the Council, which was this Year held in the *Lateran*, declaim'd againſt the *Albigenſes*, and got their Doctrine to be condemn'd as heretical. The Books which the Abbot *Giovacchino* had written againſt *Peter Lombard*, *Magiſter Sententiarum*, were likewiſe condemn'd in this Council, and *Peter*'s Doctrine concerning the Myſtery of the Trinity, was approv'd of. And Care was alſo taken in this Council, for reforming the Manners of the Eccleſiaſticks, who, by their Rival Hereticks, were cry'd out upon as abominable and ſacrilegious Perſons, and thus ended the Council; which having greatly incourag'd the new *Inquiſitors*, with much Alacrity and Intrepidity they carried on their Work. However, they had no Tribunal at this Time; but they often ſtirr'd up the ſecular Magiſtrates to baniſh, and otherwiſe puniſh the Hereticks; they frequently excited the People, and fix'd a Croſs of Cloth upon their Garments, and led them on to deſtroy and extirpate Hereticks.

THESE *Inquiſitors* were afterwards much incourag'd in their Undertaking by the Emperor *Frederick* II. who, in the Year 1224, while he was in *Padua*, publiſh'd four Edicts on that Head, and took the *Inquiſitors* under his Protection, and condemn'd obſtinate Hereticks to the Fire, and the Penitent to perpetual Impriſonment, committing the Cognizance to the Eccleſiaſticks, and the Condemnation to the ſecular Judges. And this was the firſt Law, whereby Hereticks in general were condemn'd to die, of which we ſhall have occaſion to diſcourſe elſewhere; but though *Frederick* took the *Inquiſitors* under his Protection, yet they had no Tribunal. But Pope *Innocent* IV. upon the Death of the Emperor *Frederick*, having made himſelf Umpire in *Lombardy*, and ſome other Parts of *Italy*, erected a Tribunal, and apply'd himſelf wholly to the Extirpation of Hereſy, which had much ſpread during the late Troubles. And conſidering the Pains which the *Dominican* and *Franciſcan* Orders, without Reſpect of Perſons, or Regard to Dangers, had hitherto taken in this Service, he thought the beſt thing he could do, was ſtill to make uſe of them, and imploy them, not as at firſt, by Preaching and Cruſades only, but by giving them an eſtabliſh'd Authority, and erecting a fix'd Tribunal ſolely for that Purpoſe. Such was the Riſe of the Tribunal of the *Inquiſition*; but how, and in what manner afterwards, it got footing in theſe Provinces, and how at laſt it came to be ſo deteſted and abhorr'd among us, as that the very Name of it durſt not be mention'd, ſhall be inquir'd into at large in a more proper Place.

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[1] Pietro delle Vigne, *and* Federico, *give this Etymology in the Conſtitution* Inconſutilem.

IN the mean time Pope *Innocent*, after he had put an End to the Council, went from *Rome* to *Perugia*, where he fell ſick, and after he had govern'd the Church of *Rome* for Eighteen Years, and this our Kingdom during the Minority of *Frederick*, died the Sixteenth Day of *July* 1216. For Reaſons which we ſhall by and by relate, it was a moſt deplorable Death to the Church of *Rome*, and very afflicting to the Emperor *Frederick*, who was very unfortunate, as his Succeſſors were. *Innocent* was a Pope, to whom the Church of *Rome* is much indebted, for by his Cunning and Learning, he rais'd her to the higheſt Pitch of Grandeur, and had the Art to ſubject to her, almoſt all the States and Princes of *Europe*, who regarded him as an Oracle. And ſuch Reſpect was paid to him, that he oblig'd *Alphonſus* King of *Aragon*, to make his Kingdom Tributary to, and himſelf Liege-man of the Church of *Rome*, and would have himſelf crown'd by him in *Rome*, and other Princes follow'd his Example. He was ſo conſummate a Lawyer, that the greateſt Perſons came to *Rome*, and made him Umpire of their Differences, which he determin'd to their Satiſfaction: Whence the moſt weighty Diſputes both in Church and State, were decided in *Rome*. Whence we have ſo many of his *Decretal* Letters, of which at this Time there was a *Collection* made, and given to the Students of *Bologna* to read [1], whence *Gregory* IX. was enabled afterwards more firmly to eſtabliſh the *Roman* Monarchy. *Innocent* ſtudied the *Roman* Laws, and eſpecially the Pandects with great Application; and he was reckon'd one of the ableſt Lawyers of the many that flouriſh'd in theſe Times in many Cities of *Italy*, and particularly in *Bologna*, famous above all the reſt for its Academy of Law, and for *Ugolino* and *Azone*, who were then renown'd Lawyers there. However he over-did in imitating the antient Lawyers, and in endeavouring to found his *Decretal* Letters upon the Laws of the Pandects, he often committed great Errors, many of which were afterwards found fault with by *Cujacius*, *Hottomanus*, and others learn'd in the Law. He had a very high-flown Notion of the Papacy, and, like *Gregory* VII. and many others of his Predeceſſors, thought that he had Power to depoſe and make Emperors, which he put in Practice, by depoſing *Otho*, and advancing *Frederick* to the Imperial Throne.

DURING the Minority of *Frederick*, he govern'd the Dominions of *Sicily* with more abſolute Sway and Authority than became a Guardian, which *Conſtantia* by her Will had made him; and 'tis recorded in the Regiſter of the *Vatican*, that by this Authority he inveſted his Nephew with ſome Fiefs, and the County of *Sora* in our Kingdom; though the Author of the Acts of *Innocent* writes, that he was inveſted by *Frederick*'s Governors and Miniſters of *Sicily*. By the ſame Authority, *Innocent* in his *Decretals*, ſpeaking of *Capua*, *Reggio*, and ſome other Cities of our Kingdom, ſays, that he had the Government of them as well in Temporal as in Spiritual Matters, which *Innocent* meant, when, in confirming, and aſſenting to the Election of Biſhops, made by the Clergy and People of our Kingdom, he ſaid, he did it *vice-regia*, which our Writers, through Ignorance of

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[1] Boſquet. in notis ad epiſt. Inn. lib. 1. epiſt. 71.

Hiſtory could not conceive; for though, as we have ſaid elſewhere, this ſame Pope in *Conſtantia*'s Life-time, had made great Alterations in the Agreement made betwixt *Adrian* IV. and *William* I. concerning the Election of Biſhops, yet it was not diſputed at that Time, that the King's Aſſent muſt be ſought to the Elections of Prelates; and while *Innocent* was Guardian, he obſerv'd it punctually; whence, writing to the Chapter and Canons of *Capua*, to elect a proper Perſon for that See, he likewiſe ſays, that after he is elected, they muſt ſend to him, for his Aſſent, *Vice-regia*[1]. We read, that he did the ſame when the Biſhops of *Penne* and *Reggio* were to be elected[2].

AFTER *Frederick* came to be of Age, this Pope had no Diſputes of any Moment with him, but was ſtill for advancing his Intereſt, in oppoſition to *Otho*, and *Frederick*, for his part, was very obſequious and obliging to him and the Church of *Rome*, for which his Rival *Otho* us'd to call him a *King of Prieſts*. Thus it far'd with *Frederick* during the Pontificate of *Innocent*; but he was not ſo well us'd by the ſucceeding Popes, for there happen'd ſuch ſtrange Turns and Viciſſitudes of Fortune betwixt him and them, that produc'd the prodigious Effects, which ſhall be related in the Two following Books of this Hiſtory.

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[1] Cap. cum inter. 18. de electionib.

[2] Cap. qualiter eod. tit. de Elect. epiſt. 232. lib. 2. Epiſt. 242. Geſta ejuſdem Inn. pag. 10. & 20. Ughellus tom. 9. pag. 405. *and it has been taken notice of by* Florens tit. de Elect.

History would not content [illegible] though, as we have said elsewhere, this Union [illegible] had made great Alteration in the Agreement made [illegible] and Adrian I. concerning the Election of Bishops, [illegible]

[illegible]

[illegible] belonging to him and [illegible] Church of Rome, for which the Rival [illegible] us'd to call him the King of Priests. [illegible] with Frederick during the Pontificate of Innocent; but he was not [illegible] by the succeeding Popes, for there happen'd such strange Turns and Vicissitudes of Fortune betwixt him and them, that produc'd the prodigious Effects, which shall be related in the two following Books of this History.

THE
CIVIL HISTORY
Of the Kingdom of
NAPLES.

BOOK XVI.

UPON the Death of Pope [illegible] the College of Cardinals met immediately in that City, and elected [illegible] Cardinal of SS. John and Paul, his Successor, who had been formerly Chancellor of the Holy Church, and in the Minority of Frederick, had been his [illegible] in [illegible] and was call'd Honorius III. [illegible] it has been observed by the most curious Searchers into [illegible] Human Actions, and confirm'd by [illegible] and modern Instances, that their [illegible] and [illegible] of Princes [illegible] great [illegible] as soon as they [illegible] Innocent IV. while Cardinal, was Frederick's great Friend; but after his Election was his bitter Enemy. [illegible] King of [illegible] and [illegible] had the same Fate. [illegible] no longer elected, and return'd to Rome [illegible] their Citizen, the Romans receiv'd him with great Honours, than the first Thing he did, was to intimate to Frederick by his Letters, that though he was Emperor and King of Sicily and Puglia, yet he must not think, that these Kingdoms depended on the Empire, and not on the Church as Fiefs thereof, notwithstanding the Claim of the Emperors of the West, and of the late Otho among the rest, that at least the Kingdom of Puglia depended upon the Empire.

TO this Frederick answer'd with the greatest Honour and Respect, that he was ready to obey him, if he thought fit, he would yield the Kingdoms of Sicily and Puglia to

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK XVI.

UPON the Death of Pope *Innocent* in *Perugia*, the College of Cardinals met immediately in that City, and elected *Cincio Savella*, Cardinal of SS. *John* and *Paul*, his Succeſſor, who had been formerly Chancellor of the Holy Church, and in the Minority of *Frederick*, had been his Tutor four Years in *Palermo*, and was call'd *Honorius* III. It has been obſerv'd by the moſt careful Searchers into Human Actions, and confirm'd by antient and modern Inſtances, that thoſe, who have been the Domeſticks, and greateſt Favourites of Princes, became their greateſt Enemies as ſoon as they were made Popes. *Innocent* IV. while Cardinal, was *Frederick*'s great Friend, but after his Election was his greateſt Enemy. *Calliſtus* III. prov'd ſuch to *Alphonſus* King of *Arragon*, and the Emperor *Charles* V. and our *Frederick* had the ſame Fate; for *Honorius* was no ſooner elected and return'd to *Rome*, where, as their Citizen, the *Romans* receiv'd him with great Honours, than the firſt Thing he did, was to intimate to *Frederick* by his Letters, that though he was Emperor and King of *Sicily* and *Puglia*, yet he muſt not think, that theſe Kingdoms depended on the Empire, and not on the Church as Fieſs thereof, notwithſtanding the Claim of the Emperors of the Weſt, and of the late *Otho* among the reſt, that at leaſt the Kingdom of *Puglia* depended upon the Empire.

TO this *Frederick* anſwer'd with the greateſt Honour and Reſpect, that in order to obey him, if he thought fit, he would yield the Kingdoms of *Sicily* and *Puglia* to his Son *Henry*, which would remove all Grounds of Jealouſy; and he ſent his Ambaſſadors to *Rome* for that Purpoſe. *Honorius* receiv'd the Ambaſſadors very honourably, and ſeeing he could not but accept of *Frederick*'s juſt and reaſonable Offer, told them, that he had appointed a Legate to go to *Sicily* to finiſh that Affair; and in the mean Time, *Frederick* muſt be faithful and obedient to the Church.

MEAN while *Otho*, after the Victory which *Philip* King of *France* had gain'd over him, fled with the miſerable Remains of his Army into *Saxony*, and having given over all Hopes of recovering his loſt Grandeur, he was taken ill of a Fever in *Brunſwick*, and died there in the Year 1218. *Frederick*, now freed from his Rival in *Germany*, caus'd an Aſſembly of all the Princes and Prelates of the Empire to be conven'd in *Mentz*, and after he had ſettled Peace in that Country, he began to treat with *Honorius* about his Coronation in *Rome*. But the Pope, who was reſolv'd to be well paid for his Pains, was not eaſily perſuaded to conſent, and this Ceremony actually coſt *Frederick* very dear; for, as *Fazzellus* ſays, the Pope would not allow of his coming to *Rome* to be crown'd, till he had firſt promis'd him the County of *Fondi*: This Affair being adjuſted, *Frederick* was allow'd to come [1], and accordingly aſſembled a ſufficient Army to go into *Italy*; and in the mean Time he wrote to the Count of S. *Severino*, to impriſon *Diopoldus* his Father-in-Law, who had rais'd new Commotions and Diſturbances in the Kingdom, and accordingly the Count ſhut him up in cloſe Priſon. He likewiſe wrote to the Empreſs *Conſtantia* his Wife, to come to *Germany*, who, having left *Sicily*, went by Sea to *Gaeta*, from thence to *Lombardy*, and was receiv'd in *Verona* and other loyal Cities, with great Marks of Reſpect, and join'd her Husband in *Germany* in the Beginning of this Year 1219.

DURING theſe Tranſactions, *Honorius*, having Advice that there was great want of Succours in the Holy Land, wrote to *Frederick*, and all the other Princes and People ingag'd in the Cruſade, preſently to make ready to go to *Paleſtine*. *Frederick* upon his receiving theſe Letters, confirm'd the Oath he had made to go to the Holy Land, and wrote to the Pope, that after his Coronation in *Rome* he would undertake that Voyage. Therefore *Honorius* ſent to require *Henry* Count of *Brunſwick*, and the Duke of *Saxony* (who under pretence that *Frederick* was not lawfully crown'd, ſtill kept the Crown, the Launce, and the other Imperial Enſigns) forthwith, under the Pain of Cenſure, to deliver them up. *Frederick* leaving his Son *Henry*, a Boy of eleven Years of Age, in *Germany*, under the Care of *Conrade* his Cup-bearer, arriv'd in *Italy* with the Empreſs *Conſtantia*, and having in vain requir'd of the People of the *Milaneſe*, antient Enemies of the Houſe of *Suevia*, and great Partiſans of the deceas'd *Otho*, to be crown'd in *Monza* with the Iron Crown, according to the Cuſtom of the antient Emperors; he purſued his Journey, and was met at *Mantua* by the Pope's Legate, who had Orders, not to ſlip ſo favourable an Opportunity, but before he allow'd him to proceed further, to extort from him what he could; Firſt he made him ſwear to defend the Rights of the Church of *Rome*, and to obey her and her Miniſters, and to yield the Kingdoms of *Puglia* and *Sicily* to his Son *Henry*; then he made him annul all the Conſtitutions and Laws againſt the Liberties of the Church; in the next Place he made him reſtore the Dukedom of *Spoleto*, the Towns belonging to the Counteſs *Mathilda*, ſuch as *Ferrara*, *Villamediana*, *Monte Fiaſcone*, and the Cities in *Tuſcany* belonging to St. *Peter*'s Patrimony. He likewiſe made him give ſtrict Orders for apprehending the Inhabitants of *Spoleto* and *Narni*, who were Rebels to the Church, and effectually to give up the County of *Fondi*, which he had promis'd to do in the Year 1218. From *Mantua* he paſs'd through *Modena*, and accompanied by Deputies from all the Cities, he made his Entry into *Rome*, and on the 22d of *November* this Year 1220, in St. *Peter*'s Church, with great Pomp and Magnificence was crown'd Emperor, and at Maſs took an Oath from the Hands of the Pope, to defend the Rights and Eſtate of the Church, and go with a powerful Army to conquer the Holy Land; and at the ſame Inſtant was ſign'd with the Croſs by the Hands of *Hugo* Cardinal and Biſhop of *Oſtia*, who in the Year 1227. was elected Pope, and call'd *Gregory* IX. There were preſent at this Coronation many Prelates and Barons of our Kingdom, ſuch as *Stefano* Abbot of *Monte Caſſino*, *Ruggieri dell' Aquila* Count of *Fondi*, *Giacomo* Count of S. *Severino*, *Riccardo* Count of *Celano*, and other Barons mention'd by *Riccardo da S. Germano*.

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[1] Ricc. S. Germ.

FREDERICK, after the Solemnity of his Coronation, in order to gratify *Honorius*, publiſh'd in *Rome* thoſe his Imperial Conſtitutions, which we now read in the ſecond Book of Fiefs, according to the vulgar and antient Diviſion, under the Title *De Statutis, & Conſuetudinibus contra libertatem Eccleſiæ*, &c. divided into many Chapters: in the firſt he revokes all the Statutes and Cuſtoms introduc'd againſt the Liberties of the Church; the Second injoins ſevere Puniſhment to be inflicted upon the *Gazari*, the *Patareni*, and other Hereticks; and in the reſt Care is taken of Hoſpitality, laſt Wills of Strangers, and the Security of Husbandmen, which we find confirm'd by *Honorius*. And 'tis not to be doubted, that on this Occaſion, and in this Year, thoſe Conſtitutions were publiſh'd in *Rome* by *Frederick*; for beſides *Riccardo da S. Germano's* Teſtimony [1], *Frederick* himſelf in the Proem tells us, that he had publiſh'd them *in die qua de manu ſacratiſſimi Patris noſtri ſummi Pontificis* (meaning *Honorius*) *recipimus Imperii Diadema*. Three Chapters of which were afterwards inſerted in the *Juſtinian* Code, under the Title *De Hæreticis* [2]; and one under the Title *De ſacr. Eccleſ.*; from which was form'd the *Auth. Caſſa. & irrita*, which we have taken notice of, that theſe Imperial Conſtitutions may not be confounded with others which *Frederick* afterwards publiſh'd ſolely for the Kingdoms of *Sicily* and *Puglia*, ſuch as that which begins *Inconſutilem*, and the others which we find amongſt the Conſtitutions of our Kingdom. Theſe are Royal, and not Imperial Conſtitutions, and were publiſh'd for theſe Kingdoms, when the *Patareni* had crept into our Provinces, and eſpecially into *Naples*, where in the Year 1231. *Frederick* caus'd many of them to be impriſon'd and puniſh'd, as ſhall ſhortly be related.

BUT though *Frederick*, ſo much to his own Detriment, and the Diminution of the Rights of the Empire and Kingdom, had endeavour'd to pleaſe the Pope, yet all that did not ſerve to make him his Friend; for, as *Orlando Malavolta* in his Hiſtory of *Siena* writes, while *Frederick* was yet in *Rome*, he obſerv'd, that the Orders he had given for ſettling the Affairs of *Lombardy*, were not executed by the Cities of the *Guelf* Faction, that ſided with the Church; and that this was owing to the Pope, who was unwilling that his Adherents ſhould pay any regard to *Frederick's* Orders, that he might keep theſe Factions divided, and render them irreconcileable, leſt if theſe Cities ſhould ſide with him, *Frederick* would be too hard for him.

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[1] Ric. S. Germ. Romæ quaſdam edidit Sanctiones, pro libertate Eccleſiæ, & Clericorum, confuſione Patarenorum, Teſtamentis Peregrinorum, & ſecuritate Agricultorum.

[2] Cod. Juſt. de Hæreticis, Cap. Si vero Dominus. Cap. Credentes præterea. Cap. Gazaros, Patarenos.

SECT. I.

Of the Guelf *and* Ghibelline *Factions.*

IN order to the better Underſtanding of this Hiſtory, it will be neceſſary here, to give a brief Account of the Riſe and Reaſon of the Quarrels betwixt the *Guelfs* and *Ghibellines*, whom we ſhall have frequent Occaſion to mention, becauſe our Kings were often imbroil'd in theſe Diſputes.

THESE famous Factions did not ariſe in the Time of *Frederick*, as ſome have believ'd, nor was he the Author of them, as *Fazzellus* unjuſtly makes him, but they are of a much older Date; *Frederick* found them already fix'd in *Italy*, where they had taken deep Root. They began in *Germany* in the Year 1139, in the Time of the Emperor *Conrade* III. and in the Reign of *Roger* I. King of *Sicily* [1]. The *Ghibellines*, who were always *Imperialiſts*, took their Names from *Gibel*, a City where *Henry* the Son of *Conrade* was born. The *Guelfs*, who were always *Papiſts*, took their Name from *Guelf* Duke of *Bavaria*. Theſe Appellations came afterwards from *Germany* into *Italy*, by an Accident that happen'd in *Florence*, which propagated the Factions in *Italy*; for a Gentleman of that City, whoſe Name was *Meſſer Buondelmonte*, of the Family of the *Buondelmonti*, young, handſom, and genteel, had promiſ'd to marry a young Lady of the noble Family of the *Amadei*; but as he was riding through *Florence* one Day, and paſſing by the Palace of a Lady of the Family of *Donati*, the Lady, taken with the genteel Carriage of the young Gentleman, reſolv'd to give him her Daughter in Marriage, who being her Father's only Child, was the Heireſs of an opulent Fortune. Therefore the Mother ſtanding at her Door as *Meſſer Buondelmonte* return'd, ſaluted him in a friendly Manner, and began to jeſt him with the Lady he was to marry, ſaying, that ſhe did not deſerve ſo worthy a young Gentleman as he was; and adding, I have kept this Daughter of mine for you, a more ſuitable Match than ſhe whom you have choſen; upon hearing of which Words, and ſeeing the young Lady of a noble Mien, and wonderful Beauty, he immediately fell in Love with her, and anſwer'd, That he ſhould be a very great Fool if he refuſ'd ſuch a generous Offer, and forthwith took her and married her. The *Amadei* hearing the News of this Marriage, were terribly incens'd againſt *Buondelmonte*, who had thus affronted them in breaking his Promiſe; whereupon they conſulted among themſelves how to be reveng'd on him, whether they ſhould fight him or beat him; one *Meſſer Moſcadi Lamberti*, a paſſionate Man, ſaid he knew better than any of them how to be reveng'd; and ſoon after, taking ſome of his Kinſmen along with him, in the Morning of *Eaſter* Day, meeting *Meſſer Buondelmonte* a Horſeback on the old Bridge of the *Arno*, he attack'd him, diſmounted and kill'd him, at the Foot of the Pillar, on which *Mars*, the antient Idol of the *Florentines*, ſtood. The News of which being ſpread over the City, all betook themſelves to their Arms, and the Nobles dividing themſelves into two Factions, took the Names of *Guelfs* and *Ghibellines*; the Family of the *Buondelmonti*, with many others, headed one of the Factions, and call'd themſelves *Guelfs*; and the *Uberti* joining with the *Amadei*, and many other Families, call'd themſelves *Ghibellines*; which cruel Contagion ſoon ſpread itſelf over the greateſt Part of the other Cities of *Italy*, to their Ruin and Deſtruction. For in the Diſputes betwixt the Popes and the Emperors, thoſe of the Emperor's Party were call'd *Ghibellines*, and thoſe of the Pope's *Guelfs*; and the Popes did what they could to keep up the Factions, in order to depreſs, or at leaſt ballance the Power of the Emperors. *Honorius* meant to ſerve *Frederick* the ſame way, notwithſtanding his ſo great Condeſcenſion. But this Prince taking no notice of it, left *Conrade* Biſhop of *Spires*, and Imperial Chancellor of *Italy*, in *Tuſcany*, to keep his old Friends firm to him, and gain over new ones, and departed from *Rome* for *Terra di Lavoro*, where his Preſence was neceſſary to prevent any Commotions amongſt the factious Barons of the Kingdom; and coming to S. *Germano*, he was receiv'd with great Honour and Reſpect by the Abbot *Stefano*, and then took *Seſſa*, *Teano*, and the Caſtle *Mondragone* from the Count of *Fondi*, who had poſſeſs'd himſelf of them during the late Troubles.

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[1] Inveges anno 1232. hiſt. Paler. tom. 3.

SECT. II.

Of the Capuan *Court.*

FREDERICK left S. *Germano*, and went to *Capua*, where he call'd a general Parliament, in which he took great Care of the Quiet and common Good of the Kingdom. It was at this Time, that by the Advice of *Andrea Bonello da Barletta*, a famous Lawyer, and Attorney-General, he eſtabliſh'd a new Tribunal in *Capua*, call'd *Corte Capuana* [1], in which he order'd the Barons, the Corporations of Cities and Towns, and all other Perſons, to produce the Grants and Privileges of their Caſtles, and other Things which they held of him and his Predeceſſors (excepting the Grants of *Tancred* and his Children, whom he look'd upon as Uſurpers) to be inſpected whether they were valid, or had been illegally granted in Time of Troubles; declaring, that thoſe who did not produce them ſhould forfeit their Grants and Privileges, which ſhould return to the Crown; and beſides, he revok'd ſome of them that had been ſurreptitiouſly obtain'd: Of which, beſides what *Riccardo*

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[1] Camil. Salern. in præfat. ad conſuet. Fr. And. pag. 156. diſp. Feud.

da S. Germano has written [1], we have among our Conſtitutions an intire Title, *De Privilegiis a Curia Capuana revocatis.* We have taken notice of this, that it may not be believ'd, that *Frederick* inſtituted this Court in *Naples*, as *Camillo Salerno* [2], and *Tutini* [3] have written; for it was erected in *Capua*, and therefore call'd *Capuana*. This Prince rais'd *Naples* afterwards above all the other Cities by founding an Univerſity there, and by the Tribunal of the High Court, of which we ſhall have occaſion to diſcourſe hereafter.

BUT *Bonello*, the Contriver of this Court, was much blam'd, becauſe it was very prejudicial to many, whoſe Privileges were either revok'd, or for not being produc'd in Time, were reckon'd not valid afterwards; which made our *Commentators* upon that Conſtitution have a bad Opinion of that Inſtitution, and ſpeak of it with Contempt, as founded neither on Law or Juſtice, and ſavouring of Tyranny; but *Marino da Caramanico*, an antient Gloſſator, defends it againſt all their Calumnies.

FREDERICK in this general Parliament likewiſe ordered all the Caſtles and Forts, which any of the Barons had lately built in the Kingdom, to be demoliſh'd; of which *Frederick* makes mention in another Conſtitution, under the Title *De Ædificiis novis* [4]; and after having made other Regulations, which, according to *Riccardo da S. Germano*, were contain'd in twenty Chapters, he put an End to the Parliament, and in the Beginning of the Year 1221. he went from *Capua* to *Seſſa*, where he diveſted *Riccardo* Brother of the deceas'd Pope *Innocent*, of the County of *Sora*, which the Governors of the Kingdom had given him while *Frederick* was under Age, as we have above related [5]. He likewiſe order'd *Ruggiero dell' Aquila* to beſiege the Caſtle of *Arce*, which was held out by *Stefano* Cardinal of *S. Adrian*, who ſurrender'd it; and at the Requeſt of the *Germans* he ſet Count *Diopoldus* at Liberty, who had been in Priſon ſince the Year 1218.

AT the ſame Time he gave the County of *Cerra* to *Tommaſo d' Aquino*, and made him Chief Juſtice of *Puglia*, and *Terra di Lavoro* [6]. Thereafter he went to *Bojano*, accompanied by many Barons, in order to curb the Inſolence of the Count of *Moliſe*, and ſome other Barons; and after having humbled them, and reſtor'd Peace to that Province, he made a Progreſs into *Calabria* and *Puglia*, where there were likewiſe Commotions; for many Prelates and Barons, who, during his Minority, had been accuſtom'd to live under no Reſtraint, had reſolv'd not to obey him, but when they thought fit; therefore he immediately reſolv'd to chaſtiſe their Inſolence, whereupon ſome Barons being driven out, and others forc'd to fly, they all retir'd to *Rome* under the Protection of Pope *Honorius*; *Frederick* complain'd, that *Honorius* protected his Enemies and Rebels, and fomented Rebellion in his Dominions, by inſtigating the reſt of the Biſhops to do the ſame; ſo that for the Security of the State, he was forc'd to drive many of them out of *Puglia*, and appoint other Biſhops in their Place; and for ſupporting his Army, to tax indifferently both Churches and Clergy [7].

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[1] Ric. S. Germ. Capuam ſe conferens, & regens ibi Curiam generalem pro bono Statu Regni ſuas Aſciſias promulgavit, quæ ſub viginti capitulis continentur.

[2] Camil. Salern. in proem. conſuet. Neap. num. 3.

[3] Tutin. d' M. Giuſtizieri, in princ.

[4] Lib. 3. De novis Ædific. prout in Capuana Curia per nos extitit Stabilitum.

[5] Ric. S. Germ.

[6] Idem, Tunc etiam Thomas de Aquino factus Acerrarum Comes, & magnus Juſtitiarius Apuliæ, & Terræ Laboris.

[7] Gordon'*s Chronicle, quoted by the Abbot of* Uſperg, Nauclerus, Blondus, *and* Platina.

CHAP.

CHAP. I.

The firſt Riſe of the Diſcords betwixt the Emperor Frederick II. *and Pope* Honorius.

THESE were the firſt Seeds of Enmity betwixt *Frederick* and *Honorius*. *Frederick* complain'd of *Honorius*, that beſides incouraging the Cities of the *Guelf* Faction to ſtand out againſt him, he receiv'd his Enemies and Rebels under his Protection, and likewiſe ſtirred up many Prelates of the Kingdom to foment Rebellion. On the other hand *Honorius*, ſeeing the Biſhops expell'd, and others put in their Places by *Frederick*, and the Churches tax'd, complain'd loudly of him, for violating the Immunity and Liberty of the Church, which after his Coronation he had ſworn to maintain, and for that end had eſtabliſh'd many Conſtitutions. He likewiſe exclaim'd againſt him for aſſuming the Authority to give Induction to Prelates, and turn out thoſe he had made; whereupon he ſent his Legates to him, to get them reſtor'd to their Sees.

BUT *Frederick* anſwer'd them, That it had been always in the Power of Princes to drive ſuch Prelates as they ſuſpected and could not truſt, out of their Dominions; and that from the Time of *Charles the Great*, it had been lawful for the Emperors to give the Inveſtiture of Biſhopricks with the Ring and Mace, and that it was an antient Prerogative of the Kings of *Sicily*, likewiſe to give Inveſtiture, and their Aſſent; that this Prerogative could not be impair'd by *Innocent* III. though he had done ſo during his Minority, and the Reign of his Mother *Conſtantia*; and that he would ſooner part with his Crown, than quit a Jot of his Right [1].

ON the other hand the Pope wrote a very ſmart Letter, recorded by *Pirro* [2], to all the King's Miniſters in *Sicily*, not to ſuffer Taxes to be levied upon the Clergy and Eccleſiaſtical Perſons, but to let them enjoy the ſame Immunity that they had in the Time of *William* II. Some write, that amidſt theſe Diſputes, *Frederick*, before he went to *Sicily*, held another Parliament in *Melphis*, and that he caus'd the Volume of his Conſtitutions, by his Order, collected by *Pietro delle Vigne*, to be publiſh'd there. And indeed by the Date, they would ſeem to be in the right; for in the vulgar Edition, the Date is thus, *Actum in ſolemni Conſiſtorio Melfienſi, Anno Dominicæ Incarnationis* M.CC.XXI. But becauſe *Riccardo da S. Germano* makes no mention of this Parliament held in *Melphis* this Year, but ſays, there was one held in that City in the Year M.CC.XXXI. where theſe Conſtitutions were eſtabliſh'd, therefore we forbear to ſpeak of this Collection till the Time aſſign'd by *Riccardo*, when we ſhall clearly prove, that it was not made this Year, and that by an Error of the Printer, 1221 has been put for 1231.

'TIS true, he publiſh'd ſome of his Conſtitutions this very Year, but not in the Parliament of *Melphis*, but in that which he held at *Meſſina*, after he had ſettled the Affairs of *Puglia*, which were likewiſe inſerted afterwards in that Volume by *Pietro delle Vigne*, together with thoſe he publiſh'd in *Capua*, and others eſtabliſh'd elſewhere on various Occaſions, of which we ſhall treat at large, when we come to diſcourſe of this Collection.

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[1] Fazzel. dec. 2. lib. 8. c. 2. fol. 448.

[2] Pirro in Chron. Ne Clericos, & Eccleſiaſticas Perſonas tributorum erogatione premerent, ſed immunes eos haberent, ut olim ſub Willelmo II.

AFTER *Frederick* had put an end to this Parliament in *Meſſina*, he went to *Palermo*, where he order'd a general Tax, *viz.* The Twentieth Part of the Revenues of Eccleſiaſticks, and the Tenth of thoſe of Laicks to be levied over all his Dominions, not out of Avarice, as has been unjuſtly laid to his Charge, but for the Relief of the Holy Land, eſpecially *Damiata*, which was cloſely beſieg'd by the Soldan of *Egypt*. He ſent the Money thus collected by *Gualtieri della Pagliara*, and *Errico* Count of *Malta*, High Admiral of *Sicily*, but after they had arriv'd at *Damiata*, that City, which had coſt ſo much Labour to conquer it, by the ill Conduct of the Cardinal *Pelagius*, and all the other Princes of the Chriſtian Army, was loſt, and ſhamefully reſtor'd to the Soldan of *Egypt*, which ſo inrag'd *Frederick* againſt the High Chancellor and High Admiral, who had conſented to ſo ignominious a Surrender, that he impriſon'd the Count, and ſtripp'd him of all his Lands and Offices, and the Chancellor fled to *Venice*, where, perhaps, he died in Exile, ſince there's no more mention made of him in the Writings of theſe Times. *Dominico di Guſman*, who was afterwards Sainted, died at this very Time in *Bologna*.

IN the Month of *February* of this Year 1222, while *Frederick* kept his Court in *Catania*, the Pope receiv'd the News of the Loſs of *Damiata*, upon which he left *Rome* and went to *Anagnia*, and, according to his ordinary Cuſtom, began to inveigh bitterly againſt *Frederick*, that he had, contrary to the Rights of the Church, tax'd the Eccleſiaſticks, turn'd out the Biſhop of *Averſa*, lawfully elected, and put in another of his own Head, and had done the ſame in *Salerno* and *Capua*: That by his delaying to go to the Holy Land, as he had vow'd, the Chriſtians had loſt *Damiata*, whereas if he had been there, that City would not have been ſo diſgracefully loſt. *Frederick* reſolving to clear himſelf from theſe Accuſations, left *Sicily*, and went to meet with the Pope, who had gone to *Veruli*, where they converſed together for Fifteen Days running, and after they had made up Matters betwixt themſelves, they appointed a general Meeting of all the Princes in *Verona*, in order to concert how to ſend Relief to the Chriſtians in *Paleſtine*; *Frederick* promis'd anew to go thither in Perſon with a powerful Army, betwixt that and a certain prefix'd Day, without fail.

MATTERS thus ſettled with the Pope, *Frederick* went to *Puglia*, and after he had ſettled the Affairs of that Province, he was forc'd to return in all Haſte to *Sicily*, where the *Saracens* had rebell'd; and while he was gallantly defeating theſe Rebels, the Empreſs *Conſtantia* died in the City of *Catania*, after ſhe had born Two Sons to him, *Henry*, and another nam'd *Giordanus*, who died young [1].

THE Emperor *Frederick*, who, at this Time, was only 25 Years of Age, being left ſo young a Widower, got his only Son *Henry*, then in *Germany*, to be declar'd his Succeſſor, and crown'd King of *Germany* in *Aix la Chapelle*; and *Bzovius* ſays, that *Frederick* haſten'd this Coronation, becauſe *Damiata* being loſt, the Pope was very preſſing upon him to go to the Holy Land; and therefore he made haſte to have his Son married to *Margaret*, Daughter of *Leopold* Archduke of *Auſtria*.

AFTER *Frederick* had triumph'd over the *Saracens*, and *Mirabet* their Leader, he return'd to *Puglia*, where he receiv'd freſh Complaints from the Pope, becauſe the Officers rais'd Contributions from the Churches and Eccleſiaſticks; which ſo offended *Honorius*, that he ſent the Prior of St. *Maria la Nuova* to the Emperor, to forbid it. *Frederick* mov'd by the Pope's Requeſt, wrote to his Officers, ordering them to tax the Churches and Eccleſiaſticks no more.

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[1] Zurita Annal. de Aragon. Catanæ moritur, in Panormi Æde Maxima ſepelitur.

CHAP. II.

The Union of the Crown of Jeruſalem *to that of* Sicily.

AMONG other Titles wherewith *Frederick* was adorn'd as King of *Sicily* (under which Name all the Provinces of the Kingdom of *Naples*, as well as the Iſland of *Sicily*, were comprehended in theſe Times) that of King of *Jeruſalem* was one; whence his Succeſſors, as Kings of this Realm, claim that ſpecious Title, and have the Patronage of the Temple of that City, and the Sepulchre of our Saviour; the only and poor Remains that are left us, ſince that Kingdom became ſubject to the *Turks*. And ſeeing this Subject has not been handled with that Dignity and Clearneſs it deſerves, it will be neceſſary to treat of it in a particular Manner.

OUR Writers have mention'd two Unions of the Crown of *Jeruſalem* with that of *Sicily*. The firſt was in this Year 1222, in the Perſon of the Emperor *Frederick* II. King of *Sicily*, by Right of *Jole* his ſecond Wife; which has the better Foundation of the Two, as we ſhall preſently ſhew. The other in the Year 1272, in the Perſon of *Charles* I. of the Family of *Anjou*, by the Surrender of *Mary* Daughter of the Prince of *Antioch*, which, as we ſhall ſhew in its Place, as its Foundation is not very clear, is not much regarded.

THE Kingdom of *Jeruſalem*, after the Death of *Baldwin*, Brother of the famous *Godfrey* of *Boulogne*, who was the firſt that was elected King thereof, in the Year 1119, came to *Baldwin* II. his Couſin German, who having no Male-Iſſue, in order to ſecure the Succeſſion of that Kingdom to his eldeſt Daughter *Milſinda*, married her to *Fulk* Count of *Anjou*, who got the Title of King of *Jeruſalem* in the Year 1135.

BALDWIN III. his Son, ſucceeded him, and afterwards his Brother *Amoricus*. This laſt left a Son, nam'd *Baldwin* IV. Thirteen Years of Age, who reign'd Twelve Years; *Raimond* Count of *Tripoli* being Regent.

THIS *Baldwin* had two Siſters, but no Children. The elder Siſter was nam'd *Sibilla*, and the younger *Iſabella*. *Sibilla* was married to *William* Marquis of *Monferate*, and brought him a Son nam'd *Baldwin*. After *William*'s Death, *Baldwin* IV. her Brother, King of *Jeruſalem*, gave *Sibilla* in Marriage to *Guido* of *Luſignan*, and likewiſe appointed him his Succeſſor; but afterwards doing Juſtice to his Nephew, he chang'd his Mind, and caus'd his Nephew, call'd *Baldwin* V. to be crown'd King, and made the Count of *Tripoli* his Tutor.

BALDWIN V. died ſoon after *Baldwin* IV. his Uncle, and left no Iſſue; whereupon the Count of *Tripoli*, and *Guido* of *Luſignan* contended for the Crown; and *Sibilla* had the Intereſt to get it for her Husband *Guido*; which ſo diſguſted the Count, that he kept a ſecret Correſpondence with *Saladin*, Calif of *Egypt*, who, by his Conqueſts, having made himſelf Maſter of *Egypt*, *Africa* and *Syria*, and declar'd War againſt the Chriſtians of *Syria*, came and laid Siege to *Tiberias*. *Guido* King of *Jeruſalem* came to relieve it; but Neceſſity forcing the Chriſtians to come to an Engagement, and the Count of *Sicily* deſerting them, they were defeated. The King of *Jeruſalem* was made Priſoner, and the Chriſtian Army intirely routed. The Reſult of this Defeat was the Loſs of almoſt all the Kingdom of *Jeruſalem*: *Tiberias* and the other neighbouring Cities were taken: *Acre*, *Berytus*, and *Aſcalon* were ſurrender'd, on Condition that King *Guido* ſhould be ſet at Liberty. At laſt *Saladin* beſieg'd *Jeruſalem*, and took it by Capitulation, ſo that the Chriſtians had nothing left them in *Aſia*, but three Places, to wit, *Antioch*, *Tripoli* and *Tyre*. All theſe Miſfortunes happen'd to the Chriſtians in the Year 1187.

CONRADE Marquis of *Monferate*, after *Sibilla*'s Death without Children, married *Iſabella* her Siſter, in whoſe Right he claim'd the Kingdom of *Jeruſalem*, now loſt, and reſolv'd to defend the City of *Tyre* to the laſt; for *Tripoli* had been given to *Baldwin* Prince of *Antioch*, upon the Death of the Count, who died of Grief, becauſe *Saladin* had betray'd him, in not making him King of *Jeruſalem* as he had promis'd.

The Pope and Princes of *Europe*, ſeeing the deplorable State to which the Chriſtians of the Eaſt were reduc'd, prepar'd to go thither to their Relief; and in the Year 1188, the Cruſade being reſolv'd upon, the Kings of *France* and *England* in the Year 1190, ſet out with their Armies, and after a proſperous Voyage, arriv'd in *Paleſtine*, fought *Saladin*, and took the City of *Acre*. But the King of *France* being much afflicted with a grievous Diſtemper, reſolv'd to return home, and leave a Part of his Army in *Paleſtine*; and before he departed, he, together with the King of *England*, made up the Differences, which, to the great Prejudice of the Chriſtians, had ariſen betwixt *Guido* of *Luſignan*, and the Marquis of *Monferate*, about the Kingdom of *Jeruſalem*. According to ſome Writers, it was decided thus; that *Guido*, during his Life-time, ſhould injoy the Title of *King of Jeruſalem*, and that after his Death, the Marquis of *Monferate*, or his Children, ſhould have the Crown. It was likewiſe determin'd that the Cities of *Tyre*, *Sidon*, and *Berytus* ſhould remain to the Marquis.

THE Marquis of *Monferate* had no Sons by his Wife *Iſabella*, but only four Daughters. The Eldeſt was *Mary*, who was married to *John* Count of *Brenna*: *Aliſia*, the Second, according to *Summontes*, was married to *Hugo* King of *Cyprus*: *Sibilla* the Third, to the King of *Armenia*; and *Meliſina* the Fourth, according to the ſame Writer, was married to the Prince of *Antioch*, to whom ſhe bore *Mary*, who, by Right of her Mother, claim'd the Kingdom of *Jeruſalem*.

THUS were the Rights to the Kingdom of *Jeruſalem*, tranſmitted to the Poſterity of *Iſabella* Daughter of *Amoricus*, and Siſter of *Baldwin* IV. King of *Jeruſalem*, and each of them ſet up for theſe Rights, but none of them for the Poſſeſſion, becauſe the Kingdom was under the Dominion of *Saladin*. Among all the Pretenders, *John* Count of *Brenna*, was thought to have the beſt Title, who, by Right of his Wife *Mary*, *Iſabella*'s eldeſt Daughter, took the Title of *King of Jeruſalem*; and by her had a Daughter nam'd *Jole*, or, as ſome call her, *Joalanta* or *Violanta*, who, on the Death of her Mother, had the beſt Right to that Kingdom.

AFTER the Surrender of *Damiata*, the Chriſtian Army return'd from *Paleſtine* to *Puglia*, and together with them came *Hermanus Salza*, Great Maſter of the *Teutonick* Order [1], and went to wait upon the Emperor *Frederick*, and perſuade him to go to the Conqueſt of the Holy Land, and in order to get him to conſent, he propos'd to him, that now being a Widower, he ought to marry *Violante*, commonly call'd *Jole*, a beautiful and genteel young Lady, and only Daughter of *John* Count of *Brenna*, and the deceas'd *Mary* Queen of *Jeruſalem*, his Wife, whoſe Heireſs *Violante* was, and inherited the Right to that Kingdom; which, with his own Forces, he would be able to recover from the Soldan, and likewiſe conquer all the other moſt fruitful Provinces of *Egypt*, poſſeſs'd by a daſtardly People. The Emperor lik'd the Propoſal mightily, and ſaid, That he would gladly have the Marriage concluded: Whereupon the Great Maſter took upon him to manage the Matter, and went to *Rome* to wait upon the Pope, who receiv'd him courteouſly, and after various Diſcourſes about the Affairs of *Paleſtine*; *Honorius* ask'd him what was proper now to be done for the Recovery of thoſe Holy Places from the Bondage they were in? The Grand Maſter, who wanted to have ſuch a Queſtion ask'd, preſently anſwer'd, That the beſt way was to get the Emperor to be intereſted in theſe Dominions, by which Means, he would not only perform the Promiſe he had given, but for his own Intereſt and Honour, would go thither to make War; and when *Honorius* ask'd, How that could be brought about? he anſwer'd, by marrying him to King *John*'s Daughter, and getting that King to ſurrender the Right he had to the Kingdom of *Jeruſalem*, by virtue of his Wife, to the Emperor as a Portion with his Daughter: This Anſwer highly pleas'd the Pope, who ask'd what Methods could be fallen upon to get both Parties to conſent to this Marriage; the Grand Maſter anſwer'd, That he might write to the King, and *Fr. Guerino de Montagu*, with whom the King adviſ'd in all his Affairs, and invite them to come to *Rome*, for that he had an important Matter to impart to them, concerning the Conqueſt and Defence of thoſe Countries; and upon their coming he might perſuade them to conſent to the Marriage, and that he himſelf would infallibly get the Emperor to agree to it. This at firſt ſtartled the Pope, leſt the Abſence of Two ſuch Perſonages might be of dangerous Conſequence to *Paleſtine*; but the Great Maſter aſſur'd him that no ſuch thing could happen, becauſe of the Peace lately concluded with the Soldan, whereupon the Pope wrote immediately to the King and *Fr. Guerino* to come to *Rome*, becauſe he had Matters of great Conſequence to impart to them concerning the Holy Land. Upon Receipt of theſe Letters, King *John*, in Obedience to the Pope, preſently imbark'd, together with the Patriarch of *Jeruſalem*, and the Biſhop of *Bethlehem*, and in a ſhort Time arriv'd at *Rome*, and waited on the Pope, who receiv'd him graciouſly, and after ſome Diſcourſe about the Marriage, the King conſented to it; of which the Great Maſter having acquainted the Emperor, he forthwith left *Sicily*, and came to St. *Germano*; from thence at the Invitation of ſome Cardinals, he went to *Campagna di Roma*, whither the Pope came ſhortly after, and they met in *Ferentino*, where all Differences were made up, and the Marriage concluded, the Emperor ſolemnly promiſing, in preſence of the Pope, the Cardinals, and the Great Maſters of the *Hoſpitalers* and *Teutonicks*, to take *Jole* to Wife, with the Rights to the Kingdom of *Jeruſalem* as her Portion, and within two Years to go with a powerful Army in order to conquer the Holy Land. That this Marriage was thus concluded, not only *Bzovius*, and *Riccardo da S. Germano*, but likewiſe *Honorius*, in one of his Letters to *Philip* King of *France*, exhorting him alſo to go to the Conqueſt of the Holy Land, witneſſeth.

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[1] Boſſio's *Hiſtory of* Malta.

THE Marriage being thus concluded, it was immediately order'd, that *Jole* ſhould be conducted from *Paleſtine* to *Italy*, and King *John* went to *Spain* to viſit the Church of the Apoſtle St. *James* in *Galicia*, where he married *Berengaria* Daughter of *Alphonſus* IX. King of *Leon*, and return'd through *France*, where he had great Poſſeſſions, to *Vienna* his native Country; and *Frederick* left *Ferentino*, and return'd to our Kingdom, and by the Way of *Sora* went to *Celano*, from thence to *Puglia*, and after a ſhort Stay in *Bari*, he ſail'd again for *Sicily*.

THUS then did King *John* of *Brenna*, who, for 27 Years, by Right of Queen *Mary* his Wife, had injoy'd the Title of King of *Jeruſalem*, but without Dominions, (for the Holy Land was already ſubjected to the Soldan of *Egypt*) give with his Daughter *Jole* the Title and Rights of that Kingdom to the Emperor, and his lawful Heirs, whence the Kings of *Sicily* are alſo call'd *Kings of Jeruſalem*. 'Tis true, *Frederick* did not begin the ſame Year that the Marriage was concluded, to intitle himſelf in his *Diplomas* and other Writs, *King of Jeruſalem*, but in the Year 1225, when *Jole* came to *Italy*, and the Marriage was celebrated with great Pomp, and conſummated in *Brindiſi*, he began to take that Title, and would be crown'd with the Crown of that Kingdom; and beſides, he would have the Lord of *Tyre*, and many other Barons of *Paleſtine*, who had accompanied King *John*, to ſwear Fealty to him, and he ſent the Biſhop of *Molfetta* with two Counts, and 300 *Sicilian* Soldiers to *Ptolemais*, to receive in his Name the wonted Homage and Oath, and confirm *Hugo de Montbeliard* a *French* Gentleman, Viceroy and Governor of that Kingdom, whom King *John* had left in the ſame Station; ſo that, according to *Inveges*, *Frederick* in his Diplomas took the Title of *Rex Hieruſalem*. But it is not true, as the ſame Author ſays, that *Frederick*, for two Reaſons, always preferr'd this Title to that of *Sicily*, firſt for the Honour of that Holy City; and ſecondly, becauſe the Crown of *Jeruſalem* was more antient, than that of *Sicily*; in which he's in the Right (if we go not ſo far back as the Times of the antient Tyrants of that Iſland) for *Jeruſalem* had the Title of Kingdom from the Time of *Urban* II. in the Year 1099, when *Godfrey* of *Boulogne* conquer'd it; and *Sicily* got that Title in the Year 1130, in the Time of *Roger* the firſt *Norman* King, as we have told in the Eleventh Book of this Hiſtory; but we ſee the contrary in many Diplomas, wherein the Title of King of *Sicily* is plac'd before that of *Jeruſalem*; particularly in the Proem to our *Conſtitutions*, where the Titles are read thus: *Italicus, Siculus, Hieroſolymitanus.* Whence our Kings quarter the Croſs of *Jeruſalem* in their Arms, and juſtly value themſelves upon that Prerogative.

BUT *Stephen*, a Monk of *Luſignan*, in his Chronicle of *Cyprus*, ſets up the Kings of *Cyprus* in oppoſition to thoſe of *Sicily*, and will have it, that the Rights to the Kingdom of *Jeruſalem* belong to thoſe as neareſt Heirs; and ſays, that for that Reaſon, the Kings of *Cyprus* were wont to be firſt crown'd Kings of *Cyprus* in *Nicoſia*, and afterwards Kings of *Jeruſalem* in *Famaguſta*; but he is very widely miſtaken, for 'tis very clear from the Genealogy of the Kings of *Jeruſalem*, that Queen *Mary* the Mother of *Jole*, was the neareſt Heireſs, as the eldeſt Daughter of *Iſabella* the Daughter of *Amoricus* King of *Jeruſalem*.

SECT. I.

Frederick *tranſports the* Saracens *out of* Sicily *to* Lucera *of* Puglia, *and* Lucera de Pagani.

THE Emperor *Frederick*, taken with the pleaſant Situation of *Naples*, reſolv'd to raiſe that City above all the others of the Kingdom of *Puglia.* Thoſe who will not have King *William* to have built *Caſtello Capuano* in *Naples*, ſay, that *Frederick* was the Founder of it in the Year 1223, and pretend, that *Caſtello dell' Uovo*, and *Caſtello di S. Eramo* only, were built by the *Normans*. This Prince was the firſt that laid the Foundation of the Growth of *Naples*, whence in proceſs of Time, it became the Head and Metropolis of a noble Kingdom, and rais'd itſelf above all the other Cities; for the Year following 1224, he founded an Univerſity there, and invited Scholars to it, not only from the other Provinces, but even from *Sicily*, which, as we ſhall ſhew by and by, contributed much to the Increaſe of the Inhabitants.

THIS Year 1223, *Frederick* was at War again with the *Saracens* of *Sicily*, beſieg'd and fought them in ſeveral Places, for diſturbing the Quiet of the Kingdom, and after he had ſubdu'd them, he did not think fit to let them continue any longer in that Iſland, as being too near to *Africa*, from whence they frequently got Succours, but tranſported a great Number of them to *Puglia*, and aſſign'd them the City of *Lucera* for a Habitation, and this was the firſt Colony of *Saracens* that came from *Sicily* to *Lucera*. The ſecond came in the Year 1247, when *Frederick* caus'd the miſerable Remains of them to be tranſported from *Sicily*, to the other *Lucera*, on that account call'd *de Pagani*; the firſt Colony, in proceſs of Time, having poſſeſs'd themſelves of all *Japygia*, now call'd *Capitanata*, oppreſs'd the People of that Province, by their licentious Way of living; *Frederick*, and after him *Manfred*, wink'd at them, becauſe, as brave Soldiers, they made uſe of them frequently in their Wars with the Popes, and other Lords and Cities of *Italy*; till *Charles* I. of *Anjou*, after he had got Poſſeſſion of the Kingdom, by a long War, and powerful Armies, expell'd them altogether, as we ſhall ſhew in the Progreſs of this Hiſtory.

CHAP. III.

Of the Univerſity of Naples, *inſtituted by* Frederick.

NAPLES being a *Greek* City, had Schools from the Time it was firſt founded, where good Learning was taught; *Frederick* this Year 1124, reſtor'd theſe Schools, and turn'd them into the Form of an Academy. He was not the firſt Founder of Schools in *Naples*, as ſome have believ'd: He only inlarg'd them, and put them into a more noble Form, and of private Schools, for the Uſe of the City alone, made them an Univerſity for all the Kingdom of *Sicily*, and choſe *Naples* for a Nurſery to all the Youth, both of our Kingdom and that of *Sicily*.

SEVERAL Reaſons mov'd this wiſe Prince to erect this famous Univerſity in *Naples*, as he himſelf in his Letters, which we read in *Pietro delle Vigne*, his Secretary and Counſellor, teſtifies [1]. Firſt, becauſe that City was always eſteem'd the antient Mother and Nurſery of Learning; ſecondly, becauſe of the Sweetneſs of its Climate; and laſtly, becauſe it was ſituated in a convenient Place, in the Neighbourhood of the Sea, where both by the Fertility of the Country, and Commerce by Sea, all Things neceſſary for human Life were in Plenty, and whither Youth could be brought either by Sea or Land.

RICCARDO da S. Germano, a Contemporary Writer, tells us, that *Frederick*, in the Month of *July* in the Year 1224, inſtituted this Univerſity, and for that End diſpatch'd Letters over all the Kingdoms of *Sicily* and *Puglia*: *Menſe Julio*, ſays he, *pro ordinando Studio Neapolitano Imperator ubique per Regnum mittit literas generales*. We read ſome of theſe Letters in the Six Books of *Letters*, written by *Pietro delle Vigne*, in which we have an Account of the Form of this Univerſity, and of the many Privileges beſtow'd on it. Firſt he choſe the brighteſt Men to be Profeſſors in all Faculties, and appointed them large Salaries, and he invited Profeſſors from remote Parts, and forbid them to teach in any private School, either within or without the Kingdom, but only in this Univerſity [2]. Among others, he invited, and ſettled large Salaries upon two notable Men *Maſters* (for Maſter at that Time was the ſame as Doctor now a-days) *Petrus d'Ibernia*, and *Robertus di Varano*, whom *Frederick* himſelf calls, *Civilis Scientiæ Profeſſores*, *Magnæ Scientiæ*, *notæ virtutis*, *& fidelis experientiæ* [3]: And that nothing might be wanting, he likewiſe invited other Profeſſors of all Arts and Sciences, as he ſays in his eleventh Letter: *In primis*, *quod in Civitate prædicta Doctores*, *& Magiſtri erunt in qualibet facultate*.

BESIDES Profeſſors of Law, he alſo appointed Profeſſors of Divinity; and thoſe he choſe either from among the Monks of the Monaſtery of *Monte Caſſino*, at that Time famous for Learning, or from thoſe of the Orders of St. *Dominick*, or St. *Francis*, Two Orders lately ſprung up, which had acquir'd great Fame both for their Sanctity and Learning. And when, by reaſon of the Factions, which, in the Year 1240, theſe Monks kept up againſt *Frederick*, on account of the Differences betwixt him and *Gregory* IX. he was oblig'd to baniſh them all out of the Kingdom, as Diſturbers of the publick Peace; in order to make up the Loſs of theſe Profeſſors of Divinity, he wrote a Letter to *Eraſmus* a

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[1] Lib. 3. ep. 10, 11, 12 & 13.

[2] Lib. 3. ep. 11.

[3] Lib. 3. ep. 10 & 11.

Monk of *Caſſino*, and Profeſſor of Divinity there, inviting him to come to *Naples* to ſupply that Want. This Letter is ſtill preſerv'd in the Library of *Caſſino*, and is recorded by the Abbot of *Noce* [1], and bears this Inſcription: *Honeſtiſſimo, & peritiſſimo viro Magiſtro Heraſmo Monacho Caſinenſi Theologicæ Scientiæ Profeſſori: Univerſitas Doctorum, & Scholarium Neapolitani Studii Salutem, & optatæ fælicitatis augmentum.*

THIS Univerſity had likewiſe Profeſſors of the *Canon Law*; and *Summontes* ſays, There is a Writ in the Royal Archives of *Naples*, in the Regiſter of the Emperor *Frederick* II. which mentions the Inſtitution of this Univerſity, which begins thus: *Scriptum eſt Clero, Baronibus, Militibus, Bajulis, Judicibus, & Univerſo Populo Neapolitano*; wherein, among other Things, 'tis ordain'd, That no Perſon born in the Cities of *Lombardy*, that had lately rebell'd againſt him, ſhould be receiv'd in this Univerſity. Among the other Doctors which he invited, *Bartolomeo Pignatello* of *Brindiſi*, a famous Canoniſt, was one.

FREDERICK likewiſe provided this Univerſity with Profeſſors of *Phyſick*; ſo that *Naples* began to vie with the College of Phyſicians of *Salerno*, and he ordain'd by a Conſtitution [2], that none ſhould preſume to teach Phyſick or Chirurgery, in any part of the Kingdom, except in *Naples* or *Salerno*; and that none ſhould receive a Degree in Phyſick or Surgery, before they were examin'd by the Phyſicians of theſe Two Univerſities; and that after theſe Phyſicians had given their Letters of Approbation, they ſhould not practiſe Phyſick till they were preſented to his Officers and Profeſſors of that Art, deputed by him for that Effect; and however qualified and fit they were declar'd to be, they ſhould not practiſe without the expreſs Licence of the Prince, or in his Abſence, of his Viceroy [3]. Whence *Luca di Penna*, and *Agnello Acramone* have written, that formerly our Kings alone licenſed Phyſicians [4]. According to *Andrea d'Iſernia* [5], this was alter'd by the ſucceeding Kings, who order'd, that thoſe who had a mind to take the Degree of Doctor, ſhould preſent themſelves before the Perſon appointed by the King to have the Inſpection of the Univerſities; and at this very Day in *Naples*, the Power of conferring the Degree of Doctor of Phyſick, or of other Profeſſions, is lodg'd in the High Chancellor of the Kingdom; but in *Salerno*, the Power of conferring the Degree of Doctor of Phyſick belongs to the College of Phyſicians; whence the Univerſity of *Naples*, has not, like other Univerſities of *Europe*, Power to confer the Degree of Doctor, but only to give Letters of Approbation, the King having reſerv'd that Prerogative to himſelf, and deputed the High Chancellor, to exerciſe it in his Name.

FREDERICK, beſides having provided this Univerſity with Profeſſors of all Faculties, and granted them Power to give Letters of Approbation to thoſe who had a mind to take Degrees, likewiſe endow'd it with many noble Privileges, both with reſpect to the Perſons of the Profeſſors, and Scholars.

IN order to render this Univerſity more famous and numerous, he ordain'd that none but Profeſſors ſhould teach there, and that no Scholars ſhould go to any City, either of this Kingdom or of *Sicily* to be taught, but to *Naples* only [6]. He was ſo nice and poſitive in that Point, that when by the ſevere Prohibition of all Schools in any other Part of the Kingdom, the *Juſtice* of *Terra di Lavoro* doubted, whether Grammar Schools were comprehended in the Edict; *Frederick* in a Letter, which we likewiſe find in the Six Books of Letters of *Pietro delle Vigne* [7], declar'd they were not.

HE alſo granted to this Univerſity, and to the Doctors and Maſters thereof, Juriſdiction and Power to take Cognizance of the civil Cauſes of the Scholars, as we read in that Letter, which he directed to the Scholars themſelves, inviting them to this Univerſity: *Item omnes Scholares in civilibus, ſub eiſdem Doctoribus, & Magiſtris debeant conveniri* [8]. And in order to make it the more numerous, he commanded all the Governors of Provinces, to oblige, under ſevere Penalties, all the Scholars within their Juriſdictions, to come and ſtudy in *Naples*, and not to go to any Place elſe, either within or without the Kingdom [1]. He likewiſe ſent expreſs Orders to the Lieutenant of *Sicily*, to invite all the Youth of that Iſland to come and ſtudy in *Naples*, where they ſhould enjoy many Privileges, Franchiſes, and Immunities [2]. And in the Year 1226, when *Bologna* rebell'd againſt him, he order'd, that all the Scholars there ſhould go to ſtudy in *Naples* or *Padua*; and in the Year 1233, this Univerſity having ſuffer'd very much, by reaſon of the Broils that happen'd in the Kingdom on account of the Differences betwixt *Frederick* and the Pope; which *Frederick* made up, and reſtor'd them to their former State [3].

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[1] Abb. de Nuce in notis in Prolog. lib. 4. Chron. Caſſ.

[2] Conſtitut. in Terra qualibet.

[3] Conſtitut. Utilitati. Gloſſ. & Affl. in dicta Conſtitut.

[4] Luc. de Penna in l. contra publicam, col. 2. C. de re milit. lib. 12. Arcamon. in dicta Conſtit.

[5] Andr. de Iſern. in dicta Conſtit. Utilitati.

[6] Lib. 3. ep. 11. Beſold. in diſſert. de jure Academ. cap. 2. in fine.

[7] Lib. 3. ep. 13.

[8] Lib. 3. ep. 11.

THIS Prince, in order to encourage Youth in the Study of Learning, granted the Scholars many Privileges. He declar'd that he would take them under his particular Care and Protection, and that both on their Journey to, and Stay in *Naples*, they ſhould be well treated, and no wiſe moleſted in their Perſons or Goods; that they ſhould have the beſt Lodging in the City at eaſy Rates; that Money ſhould be lent them for their neceſſary Occaſions; that they ſhould be furniſh'd with Grain, Wine, Fleſh, Fiſh, and all other Neceſſaries of Life, at the ſame Price with the *Neapolitan* Citizens; and beſides theſe Privileges, which we read in one of his Letters recorded by *Pietro delle Vigne* in his third Book [4], *Frederick* made many other Proviſions for this Univerſity, of which, as occaſion offers, we ſhall make mention. *Manfred* his Son followed his Example, and we read ſome of his Letters in *Baluzius* [5], where he ſhews how much he had at Heart to provide this Univerſity with able Profeſſors, in order to make Learning flouriſh.

AFTER *Frederick* had inſtituted ſo illuſtrious an Univerſity in this City, and brought the Scholars of both the Kingdoms of *Sicily* to it, *Naples* began to raiſe its Head above all the other Cities of theſe Provinces; and this was the firſt Step towards its becoming the Metropolis of the Kingdom.

THIS renown'd Prince, during his frequent Reſidence in *Naples*, added many other Advantages to it; for his *High Court*, in theſe Times the ſupreme Tribunal, where the moſt weighty Caſes are decided, made this City to be much frequented; and though in his Time this Court had not acquir'd that Superiority over all the other Courts of the reſt of the Cities of theſe Provinces, as that all Pleas could be brought before it by way of Appeal, yet it had the Power of judging Criminal and Feodal Cauſes, High Treaſon, &c. (as we ſee eſtabliſh'd in his Conſtitutions) of which the other Courts were not competent Judges.

THIS Prince likewiſe gave more Judges to *Naples* than to the Cities of other Provinces; for in them there were only three Judges, and one Notary, but *Naples* and *Capua* in this Kingdom, had five Judges, and eight Notaries, as *Meſſina* in *Sicily* had.

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[1] Lib. 3. cit. ep. 11.

[2] Lib. 3. ep. 12.

[3] Ric. S. Germ. Studium, quod Neapoli per Imperatorem Statutum fuerat, quod extitit turbatione inter Eccleſiam & Imperium ſecuta, penitus diſſolutum, per Imperatorem Neapoli reformatur.

[4] Lib. 3. ep. 11.

[5] Baluz. Miſcellan. pag. 483, 484, 485, 486, & 487. V. Nicod. in Bibliot. Top. v. Manfredi.

CHAP. IV.

Of the Lawyers who flouriſh'd amongſt us in theſe Times.

NAPLES became likewiſe famous by the knowing and learned Lawyers and Judges of the High Court; particularly *Pietro delle Vigne*, *Taddeo da Seſſa*, and *Roffredo Beneventano*, famous Lawyers in theſe Times, added much to its Glory. Among *Frederick*'s Letters we have one written to *Roffredo*, inviting him to go immediately to *Naples*, to take the Charge of his Court, of which he had choſen him Judge [1]. And *Riccardo da S. Germano* [2] ſays, that *Frederick* employ'd this Lawyer in his moſt weighty Affairs, he having ſent him to *Rome* to bear him out againſt the Cenſures which *Gregory* IX. had thunder'd out againſt him. Thus from this Time *Naples*, on account of the Excellency of its Univerſity, its famous Profeſſors, the Tribunal of the High Court, and its learned Judges, began to be diſtinguiſh'd above all the other Cities of the Kingdom; and *Charles* I. of the Family of *Anjou*, choſe to fix his Royal Seat there; ſo that being the Head and Metropolis of all the other Cities, in proceſs of Time it came to be what we now look on with Admiration.

HERE we have the Reaſon, why, in our Kingdom, the *Longobard* Laws began to give way to the *Roman*, and by Degrees, in the following Centuries, to be diſus'd and forgotten; for the Pandects, and the other Books of *Juſtinian* had already got footing in the other Univerſities of *Italy*, ſuch as *Bologna*, *Padua*, and others, and were publickly taught there; and the Profeſſors, enamour'd with the Elegancy of the Stile, and the Wiſdom of the Laws, ſlighted the *Longobard* Laws as barbarous, and applied themſelves to the Study of the *Roman* Law; (beſides thoſe Lawyers who flouriſh'd in the Time of *Frederick* I. *Accurſius* a *Florentine*, and many others were famous in the Time of *Frederick* II.) the ſame was our Caſe after *Frederick* eſtabliſh'd the Univerſity in *Naples*, for the Profeſſors thereof explain'd *Juſtinian*'s Books in the Schools; from whence they crept into the Tribunals, and the Judges being bred up in theſe Schools greedily eſpouſed theſe Laws, and thus by piece-meal the *Roman* Laws began to get Footing, and have the Authority and Force of Laws in the Courts of Juſtice. Nevertheleſs the *Longobard* Laws were not quite laid aſide, for *Andrea Bonello da Barletta*, Attorney-General to *Frederick* II. compos'd a Treatiſe concerning the Difference betwixt the *Longobard* and *Roman* Laws, of which we have treated at large in the Tenth Book of this Hiſtory.

THERE flouriſh'd with us in this Age, beſides *Andrea Bonello*, other famous Lawyers, according to the Times, and we have yet the Remains of ſome of their Works; but as for *Petrus d' Ibernia*, *Roberto da Varano*, and *Bartolommeo Pignatello*, Profeſſors of the Civil and Canon Laws in the Univerſity of *Naples*, we have no other account of them than what *Frederick* himſelf gives us, that they were *Civilis Scientiæ Profeſſores, magnæ Scientiæ, notæ virtutis, & fidelis experientiæ* [3].

EVERY Body knows, that the famous *Pietro delle Vigne* of *Capua*, was a noted Lawyer in theſe Times; and that for his great Learning, Wit, and Eloquence, though born of mean Parents, he was rais'd by *Frederick* to the firſt Honours of the Kingdom, ſuch as Privy-Counſellor, Secretary of State, Judge of the High Court, Protonotary of the Empire, and Lieutenant of both the Kingdoms of *Puglia* and *Sicily*; and, which is more, was let into all the Secrets of his Prince. The *Germans* have endeavour'd to rob us of this famous Lawyer, by making him a *German*, and not a *Capuan* (as the *French* afterwards claim'd *Luca di Penna* as their Countryman) and *Joannes Trithemius* is poſitive in it [1]; perhaps he was deceiv'd by his Surname, which he believ'd was taken from *Vigna*, a famous Monaſtery of *Suevia*, near *Ravenſpurg*. But nothing is more clear, than that he was born in *Capua*, as is manifeſt from his own Letters [2], and from one written to him by the Chapter of *Capua*, which is inſerted in the ſix Books of his Letters [3].

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[1] Lib. 3. epiſt. 81.

[2] Ric. anno 1227. Tunc prudentem virum Roffredum de Benevento miſit ad Urbem cum excuſatoriis ſuis, quas idem Magiſter publice legi fecit in Capitolio de voluntate Senatus, Populique Romani.

[3] Lib. 3. epiſt. 11.

HE was moſt ſkill'd in the *Roman* Laws, and altogether intent on reſtoring them to their antient Splendor, whence in theſe Provinces the Study of the Pandects and the Code began to be lik'd, and the Laws contain'd in them to be quoted in the Courts of Juſtice. *Frederick* himſelf ſpeaks thus of them [4]: *Nam legis armatus peritia, Digeſta digerit, & Codicis Scrupuloſitates elimat.* Whence, by our modern Authors, he is reputed one of the moſt learned and able Lawyers of the Times, which Character *Matteo d'Afflitto* and others give him [5].

ON this account, *Frederick* intruſted him with the Collection of the Conſtitutions of our Kingdom, of which more hereafter; and he employ'd him in the moſt weighty and difficult Affairs of State, whence *Dante* in his Comedy introduces him ſpeaking thus:

> *Of* Frederick'*s Heart both the Keys I keep*, &c.

BESIDES the Books of our Conſtitutions, he compos'd ſix Books of Letters, both in his own, and his Maſter's Name, written in a very elegant Stile, according to the Age in which he liv'd; theſe Letters contain many uſeful and valuable Things, and give great Light into the Hiſtory of theſe Times; and *Joannes Cuſpinianus*, an excellent Hiſtorian and Poet, ſays, that almoſt all *Frederick*'s Actions, and the Hiſtory of theſe Times may be very diſtinctly gather'd from theſe Books; whence the moſt accurate and careful Hiſtorians, ſuch as *Theodore* of *Niſmes*, *Nauclerus* and others, not only quote them in deſcribing *Frederick*'s Exploits, but likewiſe in giving account of other Points of Hiſtory. Theſe Books lay long neglected, till *Simon Schardius* brought them to light, and in the Year 1566. caus'd them to be printed in *Baſil*, which Copies are now become very ſcarce.

THIS Lawyer likewiſe wrote an Apology, intitled, *De poteſtate Imperatoris, & Papæ*, in Defence of the Rights of the Empire againſt the Popes; and 'tis ſaid, that *Innocent* IV. took in Hand to confute it [6]. He made many Orations in Defence of *Frederick* againſt the Excommunications which the Popes thunder'd out againſt him, and among the reſt a very learned and elegant one in *Padua*, on the Excommunication fulminated by *Gregory* IX. againſt the Emperor. He alſo compos'd ſome pretty *Italian* Songs, which we read as yet with thoſe of *Frederick*, and *Entius* his Baſtard Son, King of *Sardinia*.

SOME believ'd him to be the Author of the Book *De tribus Impoſtoribus*; but that is falſe, and ſo far was *Frederick* from employing him to compoſe that Book, that 'tis doubted whether ever ſuch a Book appear'd in the World.

BUT the unhappy End of this renown'd Lawyer, is a clear Inſtance of the Inſtability of worldly Things, of which we ſhall take notice hereafter in the Year 1243.

IN theſe Times flouriſh'd likewiſe *Taddeo da Seſſa*, who diſtinguiſh'd himſelf ſo much in the Council of *Lyons*, and was alſo a famous Lawyer, and Judge of the High Court, and as well as *Pietro*, was employ'd by *Frederick* in the Affairs of State; but he left nothing to tranſmit his Memory to Poſterity: Which cannot be ſaid of *Roffredo Epifanio da Benevento*, who was a moſt renown'd Doctor, and Judge of the High Court under *Frederick*, and the moſt learned of all that ever had bore that Office. He compos'd many Treatiſes, which in theſe Times much illuſtrated the Law; he compos'd one *De libellis, & ordine Judiciorum*, and divided it in this manner: I. *De Prætoriis actionibus.* II. *De Interdictis.* III. *De Edictis.* IV. *De Actionibus*

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[1] Jo. Trit. lib. de Script. Eccl.

[2] Lib. 3. ep. 45.

[3] Idem, epiſt. 43.

[4] Idem, epiſt. 45.

[5] Aff. in prælud. Conſtit. in princ.

[6] Simon. Schard. in vita P. de Vineis.

civilibus. V. *De Officio Judicis.* VI. *De bonorum poſſeſſionibus.* VII. *De Senatus conſultis.* VIII. *De Conſtitutionibus.* In the late Editions there are added, *Libellorum opus in jus Pontificium, ac quinquaginta quatuor Sabbatinæ quæſtiones.* Beſides theſe Works, Biſhop *Liparulus* [1] in his Commentaries on *Odofredo*, tells us, that *Camerarius* the famous Lawyer had twelve large Volumes on the Civil and Canon Laws, compos'd by *Roffredo*, and were thought to be written with his own Hand, which *Camerarius* was reſolv'd to publiſh.

ROFFREDO, when a Youth, went to ſtudy the Law in *Bologna*, whither the Fame of its Univerſity drew all the Youth of *Italy*; and he had for his Maſters the chief Doctors of theſe Times: The Firſt, according to *Odofredo*, was *Ruggieri*, one of the firſt Gloſſators of the Pandects: He afterwards had *Azo*, *Kilianus*, *Otho Papienſis*, and *Cyprianus*, all of them famous Lawyers, as he himſelf in many Places declares. After he had made a wonderful Progreſs in this Study, in the Year 1215. (as he ſays in the firſt of his *Quæſtiones Sabbatinæ*) he was invited to *Arezzo* to explain the Laws. And finding that the *Quæſtiones* of *Pileus*, which were read in *Bologna* to teach the Youth to plead, were of little uſe, he laid them aſide, and reſolv'd to explain to his Scholars ſuch Queſtions as daily occurr'd in the Courts of Juſtice, and becauſe he made them to be recited every *Saturday*, he call'd them *Quæſtiones Sabbatinæ*. Upon his Return to our Kingdom, in the Year 1227. *Frederick* choſe him for his Advocate, and ſent him to *Rome* on occaſion of the Diſpute between him and *Gregory* IX. His Fame became ſo great in After-times, that upon the Faith that *Papinian* was of *Benevento*, he got the Name of the ſecond *Papinian*. He was buried in *Benevento*, where, according to a late Writer of *Sannio* [2], his Tomb is to be ſeen in the Church of S. *Dominick*.

IN the latter Part of *Frederick*'s Reign *Andrea di Capua* his Attorney-General flouriſh'd, and was Father of *Bartolommeo* the great and famous Doctor of his Time, who, by his Virtue and great Parts, rais'd his Poſterity to that Grandeur which they now poſſeſs.

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[1] Lipar. in uſib. feud. in præludiis.

[2] Ciarlant. lib. 4. cap. 14.

CHAP. V.

Pope Honorius III. *preſſes the Emperor* Frederick *to undertake the Expedition to the Holy Land, but this Pope dies before it was put in Execution.*

AFTER *Frederick* had adorn'd *Naples* with ſo famous an Univerſity, he was employ'd in a War in *Sicily*, in order to extirpate the *Saracens* out of that Iſland; for ſupporting which War, he laid a Tax upon the whole Kingdom, whereby he rais'd a vaſt Sum of Money; for a certain *Urbano da Teano*, his Collector, brought him 300 Ounces of Gold from the Lands belonging to the Abbey of S. *Benedict* alone, a conſiderable Sum in theſe Times for one Monaſtery; and becauſe *Honorius* was grievouſly offended, that the Churches and Eccleſiaſticks ſhould be tax'd; *Frederick*, with a Deſign to pacify him, and have him for his Friend, diſpatch'd Letters to the Juſtice of *Terra di Lavoro*, ordering him to exempt the Monks and Clergy, their

Lands, Caſtles, and Goods from all Taxes whatſoever, as they were in the Time of *William the Good*, his Couſin [1].

BUT the War againſt the *Saracens* ſtill requiring more Subſidies, he was forc'd to lay another Tax upon the Kingdom: and to avoid giving *Honorius* Offence, he order'd the ſame Sum of 300 Ounces of Gold to be levied out of the Lands of the Abbey of S. *Benedict*, but under the Name of a Loan, and not of a Tax. This cunning Shift has been practis'd ſince by many Princes, in order to ſhun Diſputes with the Popes, who, according to the Maxims then lately introduc'd, pretended that Princes, even for the moſt preſſing Occaſions of their States, could not impoſe Taxes upon Churches or Eccleſiaſticks, as being contrary to the antient Diſcipline of the Church, and not within the *Regalia* of Princes.

THE Year following 1225. King *John* of *Brenna*, with *Berengaria* his Wife, big with Child, came from *France* to our Kingdom, and by the Emperor's Order were honourably receiv'd in *Capua*, where, in the Month of *April Berengaria* brought forth a Daughter, and from thence they both went to *Melphis* in *Puglia* to wait on *Frederick*, who was ſhortly expected from *Sicily*.

FREDERICK, having left a great Army to carry on the War againſt the *Saracens*, came over to *Puglia*; and at the ſame Time gave the Duke of *Bavaria* the Charge of the Affairs of *Germany*, and of his Son *Henry*, who had been created King of the *Romans*, and married to *Agnes* of *Auſtria*, and to whom his Father, according to his Promiſe made to the Pope, had yielded the Kingdom of *Sicily*.

IN the mean Time *Honorius* being tormented with the Tumults and Revolutions in *Rome*, occaſion'd by *Parenzo* a Senator, left that City, and retir'd to *Tivoli* [2], whither *Frederick* ſent King *John*, and the Patriarch of *Alexandria*, to aſk a longer Time than what had been allow'd him for going to *Paleſtine*, becauſe the Affairs of the Kingdom, and the Rebellion of the *Saracens* requir'd it, and likewiſe becauſe he was afraid, that the People of the *Milaneſe* and the *Bologneſe* in his Abſence would raiſe a Rebellion in *Lombardy*. The King and the Patriarch got a favourable Anſwer from the Pope, which they ſignified to *Frederick*, who, on the 22d of *July*, together with the Prelates of the Kingdom, went to S. *Germano* [3], whither the Pope ſent *Pelagio Calvano* Cardinal of *Albano*, *Giacomo Gualla di Bicchaeri da Vercelli* Cardinal of S. *Sylveſter*, and *Martino*, to take his Oath anew, that he ſhould go to the Holy Land: Theſe Cardinals made him likewiſe read the Articles ſet down by *Honorius* for that Expedition, which among other Things contain'd, that two Years thereafter, which would be ended in the Month of *Auguſt* 1227, he ſhould go and make War in *Paleſtine*, and at his own Charges carry with him, to remain there for two Years, a thouſand Soldiers, a hundred *Chelandri* [4], a Name of Ships us'd in theſe Times, and fifty Gallies well-arm'd, and provided with all Neceſſaries; and that he ſhould tranſport in his Veſſels other Two thouſand Soldiers with their Families, reckoning three Horſes for each Soldier, according to *Riccardo da S. Germano*. *Frederick* having heard theſe Articles, promis'd punctually to obſerve them under the Pain of Excommunication, in Preſence of many Prelates, *German* Lords, and native Barons [5], and caus'd *Rinieri* Duke of *Spoleto*, to ſwear in his Name, and then he was abſolv'd by the Cardinals from his former Oath, which he had taken at *Veroli*; and ſoon after he return'd to *Puglia*, from whence he diſpatch'd Letters to the *German* and *Italian* Lords, ordering them to come to *Cremona* the *Eaſter* following [6], where he deſign'd to hold a General Aſſembly. Thereafter he collected anew a great Sum of Money under the Name of a Loan; and *Pietro* Lord of *Evoli*, and *Niccolo di Cicala* Juſtice of *Terra di Lavoro*, receiv'd from the Lands belonging to the Monaſtery of *Monte Caſſino* 1300 Ounces of Gold.

SHORTLY after there aroſe ſome Heart-burnings betwixt *Frederick* and *Honorius*, becauſe, according to *Riccardo da S. Germano* [7], the Churches of *Conſa*, *Salerno*, *Averſa*, and *Capua*, and the Abbey of S. *Vincent* in *Volturno* being vacant, *Honorius*, *inſcio & irrequiſito Imperatore*, ſent five Prelates from *Rome* to take Poſſeſſion of theſe Churches and Abbey: Theſe Prelates were the Prior of S. *Maria della*

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[1] Ric. S. Germano.

[2] Idem.

[3] Idem, anno 1225.

[4] Idem, Et ducit ſecum centum Chelandros. V. Dufreſne in Gloſſar. V. Chelandium.

[5] Idem, Promiſit Imperator ſe publice ſervaturum, Excommunicatione adjecta in ſe, & terram ſuam, ſi hæc non fuerint obſervata.

[6] Idem.

[7] Idem, Menſe Septembri.

Nuova

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Nuova to be Biſhop of *Conſa*; the Biſhop of *Famagoſta* to be Archbiſhop of *Salerno*; the Chanter of *Amalphis* to be Biſhop of *Averſa*; the Biſhop of *Patti* to be Archbiſhop of *Capua*; and a *Benedictine* Monk, nam'd *Giovanni di S. Liberatore*, to be Abbot of S. *Vincent*. *Frederick* being grievouſly diſoblig'd at this Injury done him in ſpite of his Right, would not ſuffer any of them to be admitted into theſe Churches[1]; and going afterwards to *Sicily*, he ſerv'd *Fra. Niccolo da Colle Pietro*, made Abbot of S. *Lorenza* in *Averſa* the ſame way, though he had brought particular Letters from the Pope; and at the ſame Time ſent Ambaſſadors to the Pope to complain of the Wrong done him[2].

IN the mean Time the new Empreſs *Jole*, having imbark'd in the Gallies, after a proſperous Voyage, landed at *Brindiſi*, whither the Emperor had gone from *Sicily* to wait her coming, and where on the 9th of *September* the Marriage was ſolemniz'd with great Pomp and Magnificence; and as a Remembrance of this Solemnity, he caus'd a new Coin to be ſtruck, call'd *Imperiali*, and cry'd down the old[3].

ENTIUS, *Frederick*'s baſtard Son, was born this Year 1239. whom he afterwards crown'd King of *Sardinia*; and this ſame Year the Emperor one Day hunting in *Puglia*, and having kill'd a wild Boar of a prodigious Size, order'd a Supper to be dreſs'd on the Spot, where a Caſtle was afterwards built, which to this Time is call'd *Apricena*.

IN the Beginning of the Year 1226. *Honorius* ſent to preſs *Frederick*, who, after the Solemnity of his Marriage, had gone to *Troja* in *Puglia*, to make ready for the Expedition to the Holy Land; whereupon the Emperor order'd his Barons to meet him at *Peſcara*, in order to accompany him to the Dyet of *Cremona*, which had been ſummon'd the preceding Year. From *Troja* he went to *Terra di Lavoro*, and left the Empreſs in *Terracina*, a Caſtle near *Salerno*, now demoliſh'd, and return'd to *Puglia*, and having committed the Government of the Kingdom to *Errico di Morra* Lord Chief Juſtice, he went to *Peſcara*, and from thence with all his Army he march'd to *Spoleto*, and order'd the *Spoletians* to take Arms and follow him to *Lombardy*[4]; the *Spoletians* refuſing to obey without they had the Pope's Orders, he commanded them a ſecond Time to obey upon their Perils; but they ſent his Letters to the Pope, who for other Reaſons was grievouſly offended with *Frederick*, both on account of the Prelates, whom he kept out of Poſſeſſion of their Churches, and becauſe he had combin'd with *Ezzelino*, and publiſh'd a Conſtitution, whereby he ordain'd that Monks and Prieſts that had committed Homicide, or other enormous Crimes, ſhould be puniſh'd by his Secular Magiſtrates, and becauſe he had infring'd the Eccleſiaſtical Immunities in taxing the Clergy: All theſe had ſo exaſperated the Pope, that he wrote moſt bitter Letters to *Frederick*, complaining heavily of theſe Things. *Frederick* looking upon theſe Letters to be too arrogant, anſwer'd them with the like Boldneſs; whereupon *Honorius*, more furiouſly inrag'd, wrote again in a more haughty, inſolent, and threatning manner. *Frederick*, unwilling to quarrel with the Pope, in order to ſoften him, wrote him a moſt ſubmiſſive Anſwer, *in omni ſubjectione*, as *Riccardo* ſays: Whereupon they were again reconcil'd, and the Pope ſent *Cinzio Savello* Cardinal of *Porto*, to adjuſt their Differences, that the Expedition to the Holy Land might not be retarded, and the Affairs of *Lombardy* might be ſettled. Then *Frederick* left *Spoleto*, and went to *Ravenna*, where he kept his *Eaſter*, and wrote to his Son *Henry* to aſſemble a ſtrong Army, and march from *Germany* to *Lombardy*, where he would meet him; and *Faenza* not being in his Intereſt, he did not take that Rout, but march'd with his Army to S. *Giovanni* in the Territories of *Bologna*, and from thence to *Imola*; when he enter'd *Lombardy*, only *Modena*, *Reggio*, *Parma*, *Cremona*, *Aſti*, and *Pavia* ſent him Ambaſſadors, and offer'd him their Service. The other Cities not only did not ſhew him any Civility, but enter'd into a Confederacy againſt him; theſe were, according to *Riccardo*, *Milan*, *Verona*, *Piacenza*, *Vercelli*, *Lodi*, *Aleſſandria*, *Triviggi*, *Padua*, *Vicenza*, *Torino*, *Novara*, *Mantua*, *Breſcia*, *Bologna*, and *Faenza*: Theſe Cities joining with *Goffredo* Count of *Romagna*, and *Bonifacio* Marquis of *Monferrato*, and other Cities of *Marca Travigiana*, form'd an Army, and march'd to take the Paſs at the Foot of the *Alps*, and prevent *Henry*'s entering *Italy*. In the mean Time the Emperor march'd to *Cremona*, where he was honourably receiv'd by the Citizens, and held the appointed Dyet, but a very thin one, without a Baron, or Ambaſſador from any of the confederated Cities.

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[1] Ric. S. Germ. Quos tanquam in ſuum prejudicium promotos, recipi Imperator in ipſis Eccleſiis non permiſit.

[2] Idem, Imperator pro facto Prælatorum, quos Papa creaverat, ſuos ad eum Nuncios mittit.

[3] Ric. S. Germ.

[4] Idem.

AFTER the Dyet was over the Emperor left *Cremona*, and march'd to *Parma*, where he was waited upon by many Counts and Knights of that Country, and of the Territories belonging to *Lucca* and *Piſa*, and particularly the Marquis of *Maleſpini*, and he Knighted many of them with his own Hand, which was look'd upon as a great Honour in thoſe Days; from thence he went to meet with the Pope's Legate in the Village of S. *Donnino*, to get him to facilitate his Coronation with the Iron Crown, which was kept in *Monza* by the People of the *Milaneſe*, who, mindful of the Injuries they had receiv'd from his Grandfather *Barbaroſſa*, by no means would conſent to his Coronation in their City; therefore *Frederick* finding that neither Intreaties, nor mild Uſage were able to regain theſe People, nor any of the other confederated Cities to his Intereſt, in great Wrath he put them all under the Ban of the Empire, declar'd them Rebels, and got the Legate to interdict them, and removing the Univerſity from *Bologna*, he transferr'd it to *Naples* and *Padua*, and order'd all the Scholars to leave *Bologna*, and go to theſe two Cities to ſtudy; but *Sigonius* ſays, that none obey'd his Orders.

THE Emperor not having Succeſs in *Lombardy*, left it, and went to wait on the Pope in *Rieti*; and after he had complain'd to the Pope of the Obſtinacy of the *Lombards*, he came to *Puglia*, from whence he ſent a freſh Recruit of Soldiers to the Holy Land; and *Pietro* Lord of *Evoli*, and *Niccolo di Cicala* having laid down their Offices of Juſtices of *Terra di Lavoro*, *Ruggiero di Gallura*, and *Marino Capece* were put in their Places. *Frederick* being now Friends with the Pope, gave Poſſeſſion of their Churches to all thoſe Prelates whom the Pope had made, to wit, the Archbiſhops of *Capua*, *Conſa*, and *Salerno*, the Biſhop of *Averſa*, and the Abbot of S. *Lorenzo*[1].

THE Pope was very earneſt with the Emperor to go upon the Expedition to the Holy Land, which had been diverted and delay'd by the Broils betwixt the Emperor and the confederated Cities; and *Frederick* had publiſh'd an Edict, whereby he ſignified, that the Diſſentions of *Italy* had put a Stop to the Expedition to the Holy Land; and having ſent Ambaſſadors to the Pope to intimate the ſame, *Honorius* wrought ſo effectually, that he made up all Differences; whereupon the Emperor, to pleaſe the Pope, promiſ'd to ſend immediately a Reinforcement of 1400 Soldiers to the Chriſtians in *Paleſtine*. The Emperor and Empreſs *Jole* went then to *Sicily*; and the Pope ſeeing, that King *John* of *Brenna*, by reaſon of the Miſunderſtanding betwixt him and his Son-in-Law, whoſe Dominions he had been forc'd to leave, was in great Want, gave him the Command of all that Tract of Land, from *Viterbo* to *Monteſiaſcone*; in the mean Time the Emperor, by the Means of *Errico Morra* his Lord Chief Juſtice, publiſh'd new Laws and Ordinances for the Peace and Tranquility of his Subjects, recorded by *Riccardo da St. Germano*. This Year *Francis*, famous for his Miracles and holy Life, who founded the Order of *Minors Friars* in *Aſſiſi*, the Place of his Nativity, died, and in proceſs of Time was Sainted.

POPE *Honorius*, according to *Riccardo*'s Chronicle, died in *Rome* in the Month of *March* this Year 1227. after he had govern'd the Church ten Years, ſeven Months, and thirteen Days, and was buried in *Rome*, in the Church of S. *Maria Maggiore*, under a very plain Tomb.

ALTHOUGH the Differences which this Pope had with *Frederick*, were weighty and frequent, yet they were not ſuch as to oblige this Pope to excommunicate him, as ſome have unjuſtly written. The firſt that fulminated theſe Thunderbolts againſt *Frederick*, were *Gregory* XI. and *Innocent* IV. his Succeſſors, as we ſhall ſhortly relate.

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[1] Ric. S. Germ.

CHAP. VI.

Frederick's *Expedition to the Holy Land.*

THE Day after the Death of Pope *Honorius*, the Cardinals elected *Ugolino* of the Family of *Conti*, Son of *Triſtano d'Alagna*, Brother of *Innocent* III. who was of the *Conti's* of *Segna*, and gave him the Name of *Gregory* IX. who, immediately wrote Letters to all Chriſtian Princes, notifying the Death of his Predeceſſor, and his own Election, and ſent *Fra. Guglielmo*, a *Dominican* Monk, to the Emperor to give him an account of his Promotion, and to exhort him to honour and defend the Church of God, to provide for the good Government of his Subjects, and to undertake the Holy War; and beſides, he deſir'd that *Frederick* would be pleas'd to order his Subjects to ſend Proviſions and other Neceſſaries for the Gallies which he deſign'd to ſend to *Paleſtine*, which *Errico Morra* Chief Juſtice, by *Frederick's* Orders, immediately caus'd to be done [1]. *Simon Schardius* mentions a Letter full of Encomiums and high Praiſes, which *Gregory* wrote to this Prince the firſt Year of his Pontificate, upon which he aſſembled all the Juſtices of the Provinces of his Kingdoms of *Sicily*, to whom he imparted the Contents of the Pope's Letter, that they might make every Thing ready for the Expedition to the Holy Land; and for that end he laid a general Tax upon all his Vaſſals, and wrote to his Son *Henry* to call a Dyet in *Aix la Chapelle*, and give an Account to his *German* Barons, that he deſign'd to ſet out for the ſaid Expedition in the Month of *Auguſt* next, on the Day of our Lady's Aſſumption, that all who had a Mind to go along with him might be ready, and come to *Puglia*, where he had prepar'd Ships for their Embarkation. And ſent the Archbiſhop of *Reggio*, and *Hermandus Saltza*, Great Maſter of the *Teutonick* Order, to acquaint the Pope that he was ready to imbark, and to ſend Victuals and Proviſions neceſſary for the Gallies.

IN the mean Time *Henry*, according to his Father's Orders, had caus'd a Dyet to be conven'd at *Aix la Chapelle*, to invite the *Germans* to accompany his Father in the Expedition, whither a great Number of Lords and Prelates came, among the reſt *Sifridius* Archbiſhop of *Mentz*, *Theodorus* Archbiſhop of *Triers*, *Henry* Archbiſhop of *Cologn*, with the Archbiſhops of *Saltzburg*, *Magdeburg*, and *Breme*, with all their Suffragans. There were likewiſe preſent the Dukes of *Auſtria*, *Bavaria*, *Carinthia*, *Brabant*, and *Lorraine*: *Henry* Count Palatine of the *Rhine*, *Lewis* Landgrave of *Thuringia*, and *Ferdinand* Count of *Flanders*, who had been taken Priſoner by King *Philip* in the Battle of *Tournay*; and after he had been twelve Years Priſoner in *Paris*, at the Interceſſion of the Pope and others of his Friends, had been at laſt ſet at Liberty. All theſe mov'd by *Henry* King of *Germany*, and their own Chriſtian Piety, were ready to undertake ſo pious an Expedition; ſo that reckoning theſe, and others prevail'd upon by diverſe Monks and other Eccleſiaſticks, ſent over all *Chriſtendom* by the Pope, to encourage the People to take the Croſs, at the appointed Time, an infinite Number of Chriſtians met at *Brindiſi*, and its Neighbourhood, inſomuch, that, according to the Abbot of *Uſperg*, from the Iſland of *Britain* alone there came Sixty thouſand. But when the great Heats of the Summer in theſe barren Parts of *Puglia* came on, the Northern People, not accuſtom'd to them, and labouring under all ſorts of Inconveniencies, began to die by Thouſands, and among others, the Biſhops of *Angers* and *Soiſſons*, and the Landgrave of *Thuringia* were carried off, whereupon theſe People thus afflicted, ſet out in order to return to their own Countries; but moſt of them died by the Way [1].

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[1] Ric. S. Germ.

MEAN while *Frederick*, with the Empreſs *Jole*, in the Month of *Auguſt* came from *Sicily* to *Otranto*, where he left the Empreſs, and went to *Brindiſi* to join the Army, which, though, by Death and Deſertion, reduc'd to a ſmall Number, he caus'd to be imbark'd on the Feaſt of the *Aſſumption*, the Day appointed; and returning to *Otranto* to take his Leave of the Empreſs, he was taken ill there [2]; notwithſtanding which he went back to *Brindiſi* and imbark'd; and after three Days Sailing, not able to bear the Sea, he return'd to *Brindiſi*. *Fazzellus* ſays, That *Frederick* had reach'd the Iſlands of the *Morea* and *Candia*, and that by contrary Winds and his Indiſpoſition, he was oblig'd to return to *Brindiſi*, with thoſe that had rendezvous'd in *Lacedemon*, and Forty thouſand of his Army, if we may credit *Sigonius*.

WHILE *Gregory* IX. was in *Anagna*, he had an Account that *Frederick* was return'd, which the Pope attributing to his Unwillingneſs to go upon the Expedition, tranſported with Rage, on the 29th of *September* the Feaſt of St. *Michael the Archangel*, he declar'd, That *Frederick* had incurr'd the Excommunication, which *Honorius* had threatned in St. *Germano*, if he did not go to *Paleſtine*, and accordingly did excommunicate him [3], which Sentence is recorded by *Bzovius*, and *Sigonius*, it begins thus; *Imperatorem Fredericum, qui nec tranſfretavit*, &c.

BZOVIUS adds, that *Gregory*, beſides *Frederick*'s returning from the deſign'd Expedition, had many other Grounds of Quarrel with him; for he not only had forc'd the Eccleſiaſticks of his Dominions to pay Taxes, but on account of a private Grudge he bore the Biſhop of *Averſa* and *Roger* Count of *Celano*, he compell'd them to go to *Paleſtine*, and put the Count's Son in cloſe Priſon, and other ſuch Grievances, which *Villani* gives us againſt *Frederick*; but ſeeing this Author brings no Voucher but himſelf for what he ſays, he deſerves no Credit; for *Villani*, either through Ignorance of the Tranſactions of our Kingdom, and eſpecially thoſe of *Frederick*, or as a *Guelf*, and conſequently his Enemy, or for want of Judgment, or out of Partiality, has committed a vaſt many Blunders, and related Things that never fell out, of which the Authors, who liv'd at the ſame Time, ſuch as *Riccardo*, and other careful Recorders of the Tranſactions of their own Times, make not the leaſt mention.

FREDERICK taking this Sentence of Excommunication as a grievous Affront, left *Puglia*, and, as a convincing Proof of his Illneſs, according to *Riccardo*, went to the Baths of *Pozzuolo* to be cur'd, and from thence he ſent the Archbiſhops of *Reggio* and *Bari*, with *Rinaldo* Duke of *Spoleto*, and *Errico di Malta* his Ambaſſadors, to the Pope then at *Rome*, to excuſe his not going upon the Expedition, and to repreſent the Cauſe of his Delay; but all was to no Purpoſe, for the Pope gave no Credit to any thing they ſaid in his Vindication, and convening all the Ultramountain Biſhops in *Rome*, and as many as he could get of our Kingdom, on the Eighth Day after the Feaſt of St. *Martin*, he again publickly pronounc'd him excommunicated, interdicted his Dominions, and ſent Letters to all the Princes of Chriſtendom, to inform them with what he had done. Whereupon *Frederick* likewiſe wrote to *Lewis* King of *France*, giving him an account of the Injury *Gregory* had done him, which Letter is among thoſe of *Pietro delle Vigne*, and in *Sigonius*, in theſe Words; *Gregorius* IX. *Sub ea occaſione quod nos in termino nobis dato, infirmitate gravati, tranſire nequivimus ultra mare, contra juſtitiam primitus excommunicationi ſubjecit.* Whence 'tis evident, that *Gregory* was the firſt that excommunicated *Frederick*, and that what *Villani*, and others have written, as if he had before been excommunicated by *Honorius*, contrary to what *Riccardo* relates, is an idle Story. He alſo wrote to the Cardinals, complaining heavily that no Credit was given to what his Ambaſſadors ſaid. He alſo wrote to all the Princes of *Germany*, and ſent Letters to all the Kings and Princes of *Europe*, complaining of his being excommunicated, and excuſing the Faults laid to his Charge, by giving an Account of the Reaſons why the Pope had excommunicated him, and of the

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[1] Ric. S. Germ.

[2] Idem, Et ipſe tunc etiam Imperator, ſicut diſpoſuerat, ſuperveniente ægritudine, non tranſivit.

[3] Idem.

Cauſes of his delaying to go to *Paleſtine*, and blaming all the Prelates and Miniſters of the Church, and more eſpecially the *Romans*, for not oppoſing ſuch a Sentence. He likewiſe order'd all the Juſtices of *Sicily* and *Puglia*, to oblige the Prieſts and Monks of their Provinces to ſay Maſs, and not to allow them to go out of the Kingdom, nor to travel from one Place to another without a Licence from them; all which Letters were written by *Pietro delle Vigne* his Secretary, and, as we have ſaid, a Man of great Wiſdom and Learning, and much belov'd by the Emperor, as may be ſeen in the Book of his Letters.

AFTERWARDS he call'd a general Meeting of all the Barons of the Kingdom in *Capua*, wherein he oblig'd them to pay a Tax of eight Ounces of Gold for each Fief they held, and for every eight Fiefs, to furniſh a Soldier, in order to make up an Army againſt the Month of *May* following, when he deſign'd to go to the Holy Land without fail. For the ſame End, he order'd another Aſſembly to be conven'd in *Ravenna* in the Month of *March*, whither he ſummon'd all the Cities and Lords of *Italy*; and from thence he ſent *Roffredo Epiſanio da Benevento*, a famous Lawyer of theſe Times, to *Rome*, with his Vindication, which *Roffredo* caus'd to be publickly read in the Capitol, with the Conſent of the Senate and People of *Rome*.

IN the beginning of the following Year 1228, *Frederick* aſſembled in *Puglia* all the Prelates and Barons that were reſolv'd to accompany him to *Paleſtine*, and celebrated *Eaſter* with great Pomp and Mirth in *Barletta*, where he had got the News, that *Tommaſo d'Aquino* Count of *Acerra*, his Marſhal in *Paleſtine*, had defeated and ſlain in Battle *Conradin* Soldan of *Damaſcus*, and upon the Count's returning to the Kingdom, *Frederick* ſent *Riccardo di Principato* to the Holy Land, with a freſh Recruit of Five hundred Soldiers, who imbark'd at *Brindiſi* and arriv'd ſafely in that Country.

AT this very time *Gregory*, after he had celebrated the Feaſt of *Eaſter* in the *Lateran*, went to St. *Peter's* Church to renew the Cenſures againſt *Frederick*; but the *Frangipani*, and others of *Frederick's* Faction in *Rome*, while the Pope was about it, ſtirr'd up the People to mutiny, and rebel againſt him, and after having inſulted him with opprobrious Language, they drove him out of the City, and forc'd him to fly to *Perugia* for ſhelter, where he remain'd for ſome time.

IN the mean time *Frederick*, after he had collected a vaſt Sum of Money for his Expedition, from the Churches and Eccleſiaſtical Perſons, notwithſtanding the Pope had, by his Letters, order'd them not to pay any; ſet out for *Barletta*, where he deſign'd to hold a general Meeting; and when he came to *Andria*, the Empreſs was brought to Bed of a Son, who was nam'd *Conrade*, and was more belov'd by his Father than any of his other Children; but *Jole* never recover'd of the Hardſhips ſhe ſuffer'd in this Birth, and died ſoon after[1].

THE Death of this Empreſs is deſcrib'd by *Villani*, and other modern Authors his Followers, with ſo many Fables and Stories, that they deſerve no Credit; for *Riccardo*, the faithful Chronologer of theſe Times, ſays nothing of it, but that the Empreſs died of Child-birth; and *Corio*, in his Hiſtory of *Milan*, *Sigonius*, and the Monk of St. *Giuſtina*, ſay the ſame; and no Author, that with due attention has written the Tranſactions of theſe Times, makes mention that ſhe died in Priſon of Blows ſhe had receiv'd from the Emperor, according to *Villani*; and certainly theſe Authors, who have not paſs'd over in Silence the other Miſdeeds of this Prince, would likewiſe have recorded this, if it had been true; beſides, 'tis next to impoſſible, that he ſhould have had ſuch a Love for the Son *Conrade*, as will be ſeen in the Courſe of this Hiſtory, if he had ſo hated the Mother, as to be the Occaſion of her Death.

AFTER the Death of *Jole*, *Frederick* held his Parliament at *Barletta*, and being bent on the Expedition to the Holy Land, before he ſet out, reſolv'd to provide for his Kingdoms in caſe he ſhould die; whereupon, in Preſence of the Prelates and great Men of the Kingdom, and an infinite Number of others, he caus'd the following Articles drawn up by himſelf, by way of laſt Will, as recorded by *Riccardo*, to be read with a loud Voice. Firſt, it was his Will, that all his Subjects, Prelates and Barons, and their Vaſſals, ſhould live in the ſame Peace and Tranquility which they injoy'd in the Time of the good King *William* II. therefore he left as his Vicar and Guardian of the Kingdom, *Rinaldo* Duke of *Spoleto*. Secondly, if he ſhould happen to die in the War, which he was going to make in *Paleſtine*, his eldeſt Son *Henry* ſhould ſucceed him in the Empire and the Kingdom, and if *Henry* ſhould die without Iſſue, his ſecond Son *Conrade* ſhould ſucceed him, and if he ſhould likewiſe die without Children, his own other Children born of lawful Wedlock, ſhould ſucceed, cauſing *Rinaldo* Duke of *Spoleto*, *Errico Morra*, and others of the moſt conſiderable Men preſent to ſwear, That, if he ſhould die, and make no other Will, they ſhould ſee what he had thus ordain'd, punctually put in Execution. Thirdly, That no Perſon in the Kingdom ſhould be oblig'd, either by way of Tax, or Collection, to pay any thing, except for the Good of the Kingdom, or on ſome emergent Occaſion.

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[1] Ric. S. Germ.

AFTER theſe Articles had been thus read, and in *Frederick*'s Name ſworn to by the Duke of *Spoleto*, and *Errico Morra* his Lord Chief Juſtice, *&c.* according to *Bzovius*, and the Abbot of *Uſperg*, on the Eleventh Day of *Auguſt*, he ſet ſail from *Brindiſi* with Twenty Gallies, and having before order'd all the tranſport Ships to rendezvous at St. *Andrea dell' Iſola*, he join'd them there, and touching at *Otranto*, from thence in a ſhort Time he arriv'd in *Paleſtine*, and prepar'd himſelf for noble Undertakings.

GREGORY IX. who was ſtill in *Perugia*, hearing of the Emperor's Departure, without being firſt abſolv'd by him from the Cenſures, as he pretended, in great Indignation wrote to the Patriarch of *Jeruſalem*, and to the Maſter of the Holy Sepulchre, ſtrictly charging them to beware of *Frederick*, and give him no Aſſiſtance, for he had gone away under the Sentence of Excommunication, and might be of great Detriment to them; beſides in *Italy* the Pope ſtirr'd up the People of the *Milaneſe*, Enemies of *Frederick*, to enter into a Confederacy with himſelf againſt him, and divided *Italy* into Factions, whence the Number of *Guelfs* increas'd; and in the mean time he reſolv'd upon a new Expedition into the Kingdom of *Puglia*, with a Deſign to rob this Prince of it, at the ſame time that he was at a Diſtance, and intent on the Expediton of the Holy Land.

ON the other hand *Rinaldo* Duke of *Spoleto*, as *Frederick*'s Vicar of the Kingdom, in order to put a Stop to the Pope's Deſigns, and to involve him in a War in his own Dominions, invaded *la Marca*, and his Brother *Bertoldo*, aſſaulted the Territories of *Norcia*, and demoliſh'd the Caſtle of *Bruſca*, which had ſtood out againſt him, and deliver'd up the Inhabitants to the Mercy of the *Saracens* he had brought with him from *Puglia*, who put them all to a cruel Death [1].

THESE Things being told the Pope, and that the Duke in a hoſtile Manner, had enter'd the State of the Church, where he had done great Damage, he admoniſh'd him to be gone, and leave his Subjects in Peace; but the Duke had no regard for that Order, and the Pope inrag'd, excommunicated him with all his Followers: And ſeeing the Cenſures ſtood him in no ſtead, with the Aſſiſtance of the People of the *Milaneſe*, and all the confederated Cities of *Lombardy*, call'd the *Militia of Chriſt*, he aſſembled a ſtrong Army, gave the Command of it to *John* of *Brenna*, formerly King of *Jeruſalem*, and *Frederick*'s Enemy, and *Gio. Colonna*, the Cardinal Legate, and ſent them againſt Duke *Rinaldo*.

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[1] Ric. S. Germ.

CHAP. VII.

Pope Gregory IX*'s Expedition into* Puglia.

POPE *Gregory* finding, that theſe Forces were not ſufficient to ſtop the Duke's Progreſs, who had already ſubjected *la Marca*, as far as *Macerata*, to the Dominion of the Emperor, reſolv'd to make War in the Kingdom of *Puglia*, and to turn his Arms againſt theſe Provinces, that by putting them in Confuſion, the Duke might be oblig'd to come to their Aſſiſtance, and leave his Dominions. Therefore, having aſſembled a new Army, he gave the Command of it to *Pandolfo d'Alagna* his Legate, *Ruggieri dell' Aquila* Count of *Fondi*, and *Tommaſo* Count of *Celano*, Rebels and Enemies to *Frederick*.

ON the 18th Day of *January* this Year 1229, theſe Commanders with their Soldiers, who were call'd *Chiaveſegnati*, by the way of *Cepparano*, enter'd *Terra di Lavoro*, and on a ſudden attack'd and took the Caſtle of *Ponte Solarato*, which was then the Key of the Kingdom, and the firſt ſtrong Hold on that ſide of the Borders of the State of the Church, and was commanded for the Emperor by *Adenolfo Balzano*. The Loſs of this Caſtle ſtruck ſuch a Terror in *Bartolommeo di Supino* Lord of *S. Gio. in Carrico*, and *Roberto dell' Aquila* Lord of the Caſtle of *Paſtena*, that without making the leaſt Defence, they likewiſe yielded; from thence the Pope's Army croſs'd the River *Teleſa*, and march'd towards the County of *Fondi*.

IN the mean time *Errico Morra* Lord Chief Juſtice, upon the News of this War, forthwith aſſembled a good Body of Troops, and march'd to St. *Germano*, to diſpute the further Paſſage of the Pope's Troops. But this Oppoſition was not ſufficient to put a Stop to the Pope's Army, which over-run many Places of this Province, and took many Forts and Caſtles as far as *Gaeta*. Though many Places were daily ſubmitting to the Pope's Legate, yet this City ſtood it out, and continued faithful to the Emperor, and prepar'd for a vigorous Defence, for which Cauſe the Cardinal *Pelagio* Biſhop of *Albano*, the Pope's Legate, interdicted it. *Pontecorvo*, with all the other Towns belonging to *Monte Caſſino*, the Caſtle of *Evandro*, *Trajetto* and *Sugio*, yielded to the Legate, and at laſt the City of *Gaeta* was forc'd to ſurrender; and its Caſtle, which the Emperor, at a great deal of Charges, had caus'd to be built, was demoliſh'd and levell'd, and many of the Inhabitants, who were faithful to *Frederick*, rather than be ſubject to the Pope, choſe to quit their Habitations; and the *Beneventans* hearing of the good Succeſs of the Pope's Army, began the War on that Side, made an Inroad into *Puglia*, carried off the Oxen and other Cattle, and in their Return put the Count *Raone di Valvano*, who had come againſt them, to flight; for which Cauſe the Lord Chief Juſtice, with all the loyal Barons, march'd againſt the *Beneventans*, and laid waſte and deſtroy'd many of their Farms on the Side of the Gate *Somma*, where the Caſtle is ſituated.

THE *Minors* Friars, and the Monks of St. *Benedict*, were buſy in carrying the Pope's Letters and Meſſages to many Barons, Prelates, City Corporations and Caſtles, inviting them to rebel, and come over to the Pope, and falſly giving out that *Frederick* was dead, and would never return to *Puglia*[1]; which Report being credited by many of theſe Cities, they rebell'd, and put to Death all the *Germans* that liv'd in them, and, according to the Abbot of *Uſperg*, all the other Cities would have done the ſame, if they had not been prevented by the Diſcovery of the Cheat, and that *Frederick* was ſoon to return to the Kingdom; for which Reaſon the Duke of *Spoleto* expell'd all the *Minors* Friars, and all the Monks of *Caſſino* out of the Kingdom: ſome of them accordingly left it, others quitting the Habits of their Order, liv'd hiddenly as Laicks.

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[1] Ric. S. Germ.

MEAN while King *John*, and the Cardinal *Colonna*, after diverſe Skirmiſhes, had oblig'd the Duke of *Spoleto* to quit *la Marca*, and retire to *Abruzzo*, whither they follow'd him, and beſieg'd him in the City of *Sulmona.* As ſoon as the Cardinal *Pelagio* heard of this Siege, he ſent to deſire King *John* to come and join him, that they might carry on the War more vigorouſly in *Terra di Lavoro*; whereupon King *John* rais'd the Siege of *Sulmona*, and by the Valley of *Sangro*, march'd into the County of *Moliſe*, and on his March took *Alfidena* and its Caſtle, he alſo took *Paterno* and other Places, and burnt the Caſtle of *Sangro*; and at the ſame time the Count of *Campagna* with a good Body of Horſe and Foot, lately rais'd by the Pope for reinforcing his Army in *Puglia*, ſurpriz'd and took *Sora*, but the Imperialiſts kept Poſſeſſion of the Caſtle; from thence he march'd, and with the ſame Eaſe took *Arpino*, *Fontana*, and the Valley of *Sora*, with all the Country of the *Marſi*; and on the other hand King *John* and the Cardinal *Colonna*, being join'd in *Terra di Lavoro*, and paſſing the River *Volturno*, join'd the Army of Cardinal *Pelagio* near *Teleſe*, and thus united, they march'd and incamp'd near *Cajazza*.

WHILE *Gregory* was thus haraſſing *Puglia*, *Frederick* was imploying his Arms in the Conqueſt of the Holy Land; for ſoon after his Departure in the Month of *Auguſt*, he arriv'd at *Acone*, from thence he ſail'd to *Cyprus*, and after ſundry Expeditions, landed in *Paleſtine*, and join'd the Army of the *Cruceſignati* at *Joppa* the 15th of *November*, and fortify'd that City, which had been diſmantled; in which Work he ſpent all the Time of *Lent*, and was like to be forc'd to give it over, and go over Land to *Ptolemais*, for want of Proviſions, becauſe the Veſſels appointed to bring them were hinder'd by tempeſtuous Seas; but fair Weather coming on, he had Neceſſaries in Plenty. After he had fortify'd *Joppa*, he march'd to *Ptolemais*, from thence to the Caſtle of *Cordana*, where he halted, and ſent *Baglianus* Lord of *Tyre*, and the Count of *Lucerna* his Ambaſſadors to the Soldan of *Egypt*, who, with his Army, and his Brother, was incamp'd near *Neopolis*: After the Ambaſſadors had deliver'd to the Soldan ſome rich Preſents from the Emperor, they deliver'd their Embaſſy thus; That *Frederick* was deſirous to have him for a Brother and Friend, if he thought well of it, and that he was not come to *Paleſtine* to rob him of any of his Dominions, but only to recover the Kingdom of *Jeruſalem* with Chriſt's Sepulchre, which had been already in the Poſſeſſion of the Chriſtians, and now by Right of *Jole* his Wife, who was his lawful Queen, belong'd to *Conrade* their Son. To whom the Soldan reply'd, That after he had conſider'd of it, he would ſend his Ambaſſadors to the Emperor with his Anſwer; and after he had charg'd them with ſome ſuitable Preſents, diſmiſs'd them. At this very nick of Time, the Letters, which Pope *Gregory* had ſent by two *Minors* Friars to the Patriarch of *Jeruſalem*, arriv'd, whereby he order'd him to declare *Frederick* excommunicated and perfidious, for not having gone to the Holy Land at the appointed Time, nor ſufficiently provided for ſuch an Expedition; and commanded the Knights *Hoſpitalers* and *Templars*, and the *Germans* not to obey him in any thing.

ALTHOUGH the Soldan knew very well that the Emperor was in Want of Proviſions, and that by reaſon of the Diſcord betwixt him and the Pope, he had been newly excommunicated, and that he was but ill obey'd by the *Pilgrims* (under which Name the Soldiers, who conſtantly ſerv'd in the Wars in *Paleſtine*, went) yet, being much afraid of the Bravery of the Chriſtian Army, he ſent Ambaſſadors with fair Words, many Elephants, Camels, and *Arabian* Horſes, and other rich Preſents, without coming to any Agreement, but only told the Emperor, That if he would ſend anew ſome of his Barons, he would not fail to conclude an Agreement upon juſt and reaſonable Terms; whereupon the Emperor ſent ſome of the chief Men of his Court, who, being arriv'd at *Neapolis*, found that the Soldan was gone from thence, and had left Orders for them to follow him to *Gaza*, which they would not do, but return'd to the Emperor. *Frederick* finding himſelf thus deluded by the barbarous Cunning of the Soldan, who had given him fair Words, in order to ſpin out the Buſineſs, conven'd the chief Men of the Cities, the Pilgrims, and Soldiers in *Ptolemais*, and told them, that in order to be nearer *Jeruſalem*, he was reſolv'd to attack *Sappho*, whither they might likewiſe come. To which the Maſters of the *Hoſpitalers* and *Templars*, in Name of all the reſt, anſwer'd, That notwithſtanding they had been forbid by the Pope, whom they were oblig'd to obey, to have any Commerce with him, or aſſiſt him, nevertheleſs for the Good of the Holy Land and Chriſtianity, they were ready to join with him in that Undertaking; but they would have the Watch-word, and the Orders for the Army to be given *in Nomine Dei, & Reipublicæ Chriſtianæ*, without making the leaſt mention of the Emperor; this ſo provok'd *Frederick*, that by no means he would conſent to it, but left them, and march'd forward to the River *Monder*, which runs betwixt *Cæſarea* and *Artus*; whereupon the Knights *Hoſpitalers* and *Templars*, and the Pilgrims, conſulting what they had beſt do for the publick Good, and afraid that the Emperor might be over-power'd by the Soldan, who had aſſembled a prodigious Army, began to follow *Frederick* at ſome Diſtance, and incamp always in Sight of him, that if they ſhould ſee Occaſion, they might be at hand to aſſiſt him; but the Emperor, ſenſible of the Danger he run by this Diviſion, out of cruel Neceſſity, was forc'd to yield, and allow, that all Orders whatſoever, ſhould be given *in Nomine Dei, & Reipublicæ Chriſtianæ*, without taking notice of him; ſo that he join'd them at a ruinous Caſtle, while they were about repairing it.

AT this very Time, being the middle of Winter, *Frederick* had the News brought him by a light Veſſel, that the Pope's Army had over-run the Kingdom of *Puglia*, and taken Poſſeſſion of many Places thereof, and that the reſt were alſo in danger of being loſt.

THIS unlucky News put the Affairs of *Paleſtine* into the utmoſt Confuſion; for *Frederick* was immediately for clapping up a Peace with the Soldan, that he might return to *Italy* for the Relief of his own Dominions; whence *Riccardo da S. Germano* juſtly writes: *Veriſimile enim videtur, quod ſi tunc Imperator cum gratia, & pace Romanæ Eccleſiæ tranſiſſet, longe melius & efficacius proſperatum fuiſſet negotium Terræ Sanctæ, ſed quanta in ipſa ſua peregrinatione adverſa pertulerit ab Eccleſia, cum non ſolum ipſum Dominus Papa excommunicaverit, verum etiam quod ipſum excommunicatum ſcirent, & tanqaum excommunicatum vitarent eundem Patriarcho Jeroſolimitano mandavit.* And the Abbot of *Uſperg*[1] could not forbear crying out againſt ſuch doings: *Quis talia facta recte conſiderans non deploret, & deteſtetur, quæ indicium videntur, & quoddam portentum & prodigium ruentis Eccleſiæ!*

ALTHOUGH the Peace with the Soldan was made at a critical Time, yet it was as advantagious as could be expected for *Frederick*; theſe are the Articles, That there ſhould be a Truce for Ten Years, by virtue of which the Soldan reſtor'd the City of *Jeruſalem*, with all its Teritories, to the Emperor; that Chriſt's Sepulchre ſhould be kept by the *Saracens*, becauſe they had been long in uſe to pray there, nevertheleſs the Chriſtians ſhould have free Acceſs to go and perform their Devotions there; the Cities of *Bethlehem* and *Nazareth*, and all the Towns on the High-way to *Jeruſalem*, with the Cities of *Tyre* and *Sidon*, and ſome other Caſtles formerly poſſeſs'd by the Knights *Templars*, were likewiſe reſtor'd to the Emperor, with liberty to fortify *Jeruſalem* with Walls and Towers as he ſhould think fit; as alſo to fortify the Caſtles of *Joppa*, *Cæſarea*, *Monteforte* and *New* Caſtle. That every thing ſhould be reſtor'd to *Frederick* that had been poſſeſs'd by *Baldwin* IV. and had been taken from him by *Saladin*; and that all Priſoners ſhould be ſet at Liberty without any Ranſom.

THUS did *Frederick* conclude this Peace, for which ſome have blam'd and condemn'd him, becauſe he left Chriſt's Sepulchre, the firſt Ground of the War, in the Hands of the *Saracens*: There are likewiſe ſome modern Authors that treat him very ſcurvily, calling him Coward and Silly, and ſay, That he ſuffer'd a Thouſand Indignities from the Soldan and his Soldiers. But the Chronicle of *Riccardo da S. Germano*, a Cotemporary Writer, clearly evinceth all theſe to be nothing but Forgeries and Calumnies: Neither ought we to give Credit to our *Italian* Writers, nor to the Letters of the Patriarch of *Jeruſalem*, becauſe they were for the moſt part *Guelfs* and Partiſans of the Pope. And the ſame *Riccardo* ſhews us the Neceſſity *Frederick* was under to leave the keeping of Chriſt's Sepulchre to the *Saracens*, *Quia*, ſpeaking of the *Saracens*, *diu conſueverant orare ibidem, & ut liberum introitum, & exitum habeant illuc accedentes orationis cauſa*: But it was likewiſe ſtipulated, that the Chriſtians ſhould have the ſame Liberty, *& Chriſtianis ſimiliter orationis cauſa ſit expoſitum*; whence we may ſee how impudent a Lyar and Flatterer *Boſſius* is [1], who in his Hiſtory of the Knights of *Malta*, ſays, That the Chriſtians were not allow'd to enter the Sepulchre. And to charge *Frederick* with Cowardize and Sillineſs, is repugnant to all Hiſtory, for he was a great and gallant Prince, of a high Spirit, which his many noble Exploits clearly teſtify; neither is it likely, but rather impoſſible that he would have born with thoſe Affronts and Abuſes of the effeminate *Egyptians*, and deſpicable *Arabians*, which he could neither bear of the *Lombards*, *Germans*, nor any other brave Nations, over whom he gain'd many Victories.

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[1] Abb. Uſper. anno 1228.

NOW that the Peace was ſettled, *Frederick* reſolv'd to return to the Relief of his Dominions of *Italy* and *Puglia*, but before he would leave *Paleſtine*, he had a Mind to take Poſſeſſion of the Crown and Kingdom of *Jeruſalem*; therefore he order'd *Hermanus Saltza* to write to the Patriarch of *Jeruſalem* to come and accompany him to that City, in order to crown him there; but the Patriarch, who was a Partiſan of the Pope, anſwer'd, That he could not do it, till he had firſt ſeen the Articles of the Peace concluded betwixt the Emperor and the Soldan. *Hermanus* immediately ſent them to him by a *Dominican* Monk. When the Patriarch ſaw the Articles, he refus'd to come, ſaying, that he could not truſt himſelf in the Hands of theſe Barbarians, ſeeing the Clergy were not mentioned in the Treaty, neither had the Soldan of *Damaſcus*, to whom that Kingdom of Right belong'd, ſworn to it, and therefore the Peace was neither ſafe, nor could it be durable. And under pretence that the Temple, and the Sepulchre of Chriſt were in the keeping of the *Saracens*, to prevent *Frederick's* being crown'd there, he ſent the Archbiſhop of *Cæſarea* as his Legate, who by his Order interdicted the Holy City of *Jeruſalem*, and the very Sepulchre of Chriſt, forbidding the Celebration of Divine Offices there; ſo that inſtead of a Bleſſing on this Expedition, *Frederick* got a Curſe, as *Riccardo* expreſſeth it; *Primitas recuperationis ipſius, non benedictione, ſed anathemate proſecutus*; but the Emperor little minding the Interdiction, on the 17th of *March* made his Entry into *Jeruſalem*, and the next Morning, with ſuitable Pomp, accompanied by the Great Maſter *Hermanus*, and all his Courtiers, went to the Church of the Sepulchre, and after he had pray'd for a long Time, and given Thanks to God, finding, that becauſe of the Interdiction, none would venture to celebrate Maſs, nor any other proper Office, nor would even the *German* Prelates be preſent, though he had invited them, but ſaid, they had no mind to be excommunicated by the Pope; with his own Hands he took the Crown from the Altar, and crown'd himſelf; and the Great Maſter of the *Teutonicks* made a long Oration in Praiſe of *Frederick*, inlarging, that it was by his Conduct and Valour that the Kingdom and City of *Jeruſalem* had been reſtor'd to the Chriſtians [2]; and after his Coronation, *Frederick* gave Orders to fortify *Jeruſalem*, and repair the Walls, which had been thrown down by *Conradin* Soldan of *Damaſcus*; and forthwith upon the News of *Puglia's* being invaded by the Pope, he ſet forward and came to *Sappho* and *Ptolemais*, where he appointed Two Governors to command the Places that had been conquer'd; and made the Great Maſter of the *Teutonicks* Commander of the *Germans* that were to return with him to *Puglia*, and after having ſuffer'd and ſurmounted many Acts of Hoſtility done by the Patriarch of *Jeruſalem* and the Maſters of the *Hoſpitalers* and *Templars*, at laſt, after a proſperous Voyage, he arriv'd at *Brindiſi*.

FREDERICK was no ſooner landed at *Brindiſi*, than he ſent the Archbiſhops of *Reggio* and *Bari*, with the Great Maſter *Hermanus*, his Ambaſſadors to Pope *Gregory*, who went firſt to *Cajazza*, which was then beſieg'd by the Cardinals of S. *Praxides* and *Albano*, from whom they got Letters to the Pope, and from thence went to *Rome*; and after they had given his Holineſs an Account of what had paſs'd in *Paleſtine*, they beſought him in the Name of the Emperor, that he would be pleas'd to abſolve him from the Excommunication, and be at Peace with him.

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[1] Boſſ. lib. 16.

[2] Bzovius Hiſt. Rel. Rod.

BUT the Patriarch of *Jeruſalem* having written to the Pope, that the Treaty which the Emperor had made with the Soldan, was prejudicial to the Chriſtians, *Gregory* was ſo inrag'd, that he would condeſcend to nothing the Ambaſſadors deſir'd of him; for which Cauſe the Great Maſter remain'd in *Rome*, and the two Archbiſhops return'd to *Puglia*.

IN the mean while, by the Means of *Adinolfo* and *Filippo d'Aquino*, the Caſtles of *Atino* and *Celio* ſurrender'd to the Emperor, who with his Army of *Cruceſignati*, march'd to *Terra di Lavoro* againſt King *John* and the Cardinal Legates, who were beſieging *Cujazza* with the Army of *Claveſignati*; *Frederick's* Approach ſtruck ſuch a Terror in the Beſiegers, that they rais'd the Siege, burnt the Machines, and in great haſte retired to *Teano*, from whence Cardinal *Colonna* went to *Rome* to ſeek Money from the Pope to pay the Army[1].

RICCARDO likewiſe writes, that Cardinal *Pelagio* not having wherewithal to ſubſiſt the Army, took all the Treaſure and coſtly Furniture of Gold and Silver that were in *Monte Caſſino*, to make Money of them, and reſolv'd to ſerve the Church of S. *Germano* the ſame Way, had not the Clergy of that Church compounded for a certain Sum: In the mean Time the Emperor return'd from *Naples* to *Capua*, and from thence march'd to *Calvi*, which he took by Storm, and caus'd many of the Pope's Soldiers, who defended it, to be hang'd; and though King *John* endeavour'd to interrupt his March, yet he advanc'd by the Way of *Riardo* to S. *Maria della Ferrata*, where he halted three Days, during which Time *Vairano*, *Aliſe*, *Venafro*, and all the Territories belonging to the Sons of *Pandolfo* ſubmitted to him; this proſperous Succeſs ſo diſhearten'd King *John* and Cardinal *Pelagio*, that in all haſte they march'd to *Mignano*, and from thence to S. *Germano*; but finding that the Emperor was purſuing them cloſe at the Heels, they preſently diſbanded the Pope's Army, and made what haſte they could to *Campagna di Romagna*, and King *John* with all the Prelates of the Pope's Faction retir'd to *Rome*.

MEAN while the Emperor with his Army enter'd the Lands of the Monaſtery of *Monte Caſſino*, took, and deliver'd up to be plunder'd by the Soldiers, the Town of *Piedmonte*, and gave its Caſtle to the Lords of *Aquino*. Then he made an Attempt upon *Monte Caſſino*, but was repuls'd; and while he was there, by the Means of *Taddeo di Seſſa*, Judge of his High Court, the City of *Seſſa* ſubmitted to him. *Preſenzano*, the Caſtle of *Evandro*, *Iſernia*, *Arpino*, and *Fontana*, with all the other Towns belonging to S. *Benedict*, likewiſe ſubmitted; and at laſt S. *Germano* with its Caſtle alſo yielded. *Frederick*, being now reſolv'd to ſettle his other Affairs of *Italy*, and to treat of a Peace with the Pope, caus'd all the Magiſtrates and Corporations of the Cities of *Lombardy* to be conven'd; and by a Letter written from S. *Germano*, notified to them his Return to *Puglia*, and his Victories in that Kingdom, which Letter is recorded by *Riccardo*, and among others contains theſe Words: *Nos de Ultramarinis partibus proſpere per Dei gratiam redeuntes, de inimicis noſtris, qui Regnum noſtrum invaſerant fæliciter triumphavimus, dum audientes nos contra eos in manu valida, & potenti venturos, non expectatis, aut expertis viribus noſtris, in Campaniæ finibus, fugæ ſibi præſidium elegerunt. Sicque Domino cooperante, & nos comitante Juſtitia, qui de Cœlo proſpexit, quod ipſe in Regno noſtro, nobis abſentibus, per anni dimidium occupaverant, nos brevi dierum ſpatio recuperavimus, & revocavimus ad demanium, & dominum noſtrum.*

THE City of *Teano* was the next that ſurrender'd, upon Condition, that its Biſhop ſhould have it in his Choice either to depart, or remain in the City. From S. *Germano* the Emperor ſent Two hundred Soldiers into the Country of the *Marſi*, commanded by *Bertoldo* Brother of the Duke of *Spoleto*, who eaſily ſubdu'd all that Country; and after *Frederick* had halted ſeven Days in S. *Germano*, he march'd to *Aquino*, from whence he wrote to all the Princes of *Chriſtendom*, to clear himſelf from the bad Opinion which had been conceiv'd and propagated concerning the Treaty made with the Soldan, and gave them an Account of the Affairs of the Holy Land, and that what the Patriarch of *Jeruſalem* had repreſented was not true Matter of Fact, taking the Biſhop of *Wincheſter*, the Great Maſters of the Knights *Hoſpitalers* and *Teutonicks*, and many other Knights of theſe Orders, and alſo the Preaching Friars, who were preſent at the Treaty, to witneſs the contrary. Some Ambaſſadors from the Senate and People of *Rome* came to *Aquino* to wait upon the Emperor, and congratulate him upon his ſafe Return, and to treat about other Affairs, and at the End of three Days they return'd to *Rome*. After he had added ſome new Works to the Fortifications of S. *Germano*, he left *Aquino*, and march'd to beſiege *Sora*, which, becauſe it made a ſhew of Reſiſtance, he took by Storm, burnt it, and kill'd and ruin'd the Citizens.

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[1] Ric. S. Germ.

HERMANNUS SALTSA, who had remain'd in *Rome* to treat of a Peace with the Pope, went from thence, accompanied by *Giovanni* Cardinal of S. *Sabina*, and *Tommaſo* Cardinal of *Capua*, the Pope's Legates, to wait on the Emperor in *Aquino*, whither he had return'd from *Sora* the fourth Day of *November*, and after they had had an Audience of him, the ſame very Evening they went to *Monte Caſſino*, and perſuaded Cardinal *Pelagio* to retire from that Place with his Men. And the Biſhops were allow'd to return to their Sees without any Moleſtation. *Frederick* likewiſe reſtor'd all the Places taken from the Abbot *Adenolfo*, and put them under the Command of the Great Maſter *Hermannus*, till the Peace ſhould be ſettled with the Pope; and *Hermannus* being oblig'd to return to *Perugia* with Cardinal *Pelagio* to ſettle ſome Articles of the Peace, he ſubſtituted in his Place *Fra. Lionardo* a *Teutonick* Knight, till he ſhould return. And *Frederick* having gone to *Capua*, where he kept his *Chriſtmas*, ſet many of the Citizens of *Sora*, that had been made Priſoners after the taking of that City, at Liberty.

IN this proſperous Situation were *Frederick*'s Affairs at the Cloſe of the Year 1229. In the Month of *January* 1230. he order'd the ſaid *Fra. Lionardo*, Deputy-Governor of *Monte Caſſino*, to pick out ſome of the beſt Soldiers that he could light on, in order to garriſon the Monaſtery, and made him ſwear to guard it with all the Effects and Monks within it, and not to deliver them to any Perſon but the Great Maſter *Hermannus*. After the Archbiſhop of *Reggio*, the Great Maſter of the *Teutonick* Order, and Cardinal *Pelagio* had made ſeveral Journies to and again, betwixt *Rome* and *Puglia*, about the Treaty of Peace, at laſt they met in a Congreſs held in S. *Germano*, where were likewiſe preſent the Patriarch of *Aquileja*, the foreſaid two Legates, *Giovanni* Cardinal of S. *Sabina*, *Tommaſo* Cardinal of *Capua*, *Bernard* Archbiſhop of *Saltzburg*, *Sifridus* Biſhop of *Ratisbone*, *Leopold* Duke of *Auſtria* and *Stiria*, *Bernard* Duke of *Moravia*, and *Fra. Lionardo* Knight of the *Teutonick* Order; and after various Speeches the Treaty was begun, and in a ſhort Time was concluded betwixt the Emperor and the Pope, as ſhall be told. And in the mean Time ſome Cities of *Puglia*, which in the late Troubles had revolted, ſubmitted to the Emperor, ſuch as *Civitate*, *Larino*, S. *Severo*, *Caſalnuovo*, and *Foggia*. We ought not to give Credit to the Author of a ſmall Treatiſe intitled *Itinerario dell' Imperador Federico*, for it begins with an impudent Lye, and is full of fabulous Stories and Dreams; for *Frederick* was not three Years, but only three Months in the Holy Land; he did not beſiege *Jeruſalem*, becauſe the Soldan ſoon deliver'd it up; he did not touch at any Port of *Sicily* as he return'd, but landed at *Brindiſi*, which did not want Relief, becauſe it was not beſieg'd, neither had he Occaſion to hire *Saracens* in the Iſland of *Zerby*, while he could have had plenty in *Sicily* and *Puglia*.

WHILE the Emperor was keeping his *Eaſter* in *Foggia*, on *Holy Thurſday* *Gregory* excommunicated *Rinaldo* Duke of *Spoleto*, and his Brother *Bertoldo*, for having invaded *La Marca*, and other Places belonging to the Church.

ALL the Prelates, Dukes and others, who after the Congreſs in S. *Germano* had gone to *Rome*, return'd from thence with the Cardinal Legates, in order to abſolve the Emperor from the Excommunication, and the Legates deſir'd the Great Maſter of the *Teutonick* Order to acquaint the Emperor to come to *Capua*, where they with all the Prelates that had fled the Kingdom for fear of him, were to wait on him; but when they were inform'd, that he had caus'd the Walls of *Foggia*, S. *Severino*, and *Caſalnuovo* to be demoliſh'd, and that he was on his Way from *Puglia* to *Capua*, with Deſign to have *Gaeta* and S. *Agata* ſecur'd to him by the Articles of Peace, and that they ſhould not continue ſubject to the Church as the Pope claim'd, they made all the Biſhops of the Kingdom return to *Cepparono*, and they themſelves, with the Abbot *Adenolfo* went to *Capua*, where *Frederick* arrived the 30th of *May*, with whom the Cardinals had an Interview; but when they could not agree about the Article concerning *Gaeta* and S. *Agata*, they went to *Seſſa*, and after treating with the *Gaetans*, they brought over *Pietro delle Vigne*, and *Filippo di Citro* Conſtable of *Capua*; but new Difficulties ſtill ariſing, the Peace could not be agreed upon, therefore the Archbiſhop of *Reggio*, and the Great Maſter of the *Teutonick* Order, were oblig'd to make ſeveral Journies betwixt *Rome* and *Capua*; till at laſt, by the Means of *Fra. Qualdo*, of the Order of Preaching Friars, the Pope coming to the Monaſtery of *Grotta Ferrata*, and the Emperor to S. *Germano*, to be near one another, the Peace was concluded to the great Joy of every Body, and was publiſh'd with univerſal Acclamations and Rejoycings at S. *Germano* and all the neighbouring Places; and, to crown the Work, on the 9th Day of *July*, the Cardinal Legates, the Patriarch of *Aquileja*, the Archbiſhop of *Saltzburg*, the Biſhops of *Ratisbone* and *Reggio*, the Dukes of *Carinthia* and *Moravia*, the Archbiſhops of *Palermo*, of *Reggio* in *Calabria*, and of *Bari*, the Abbot of *Monte Caſſino*, and many other Prelates that had fled to *Rome*, *Rinaldo* Duke of *Spoleto*, *Tommaſo d'Aquino* Count of *Serra*, *Errico di Morra* Lord Chief Juſtice, and a great Number of Barons and Miniſters of the Empire, met in the great Church of S. *Germano*, in Preſence of whom the Emperor promis'd to ſatisfy the Holy *Roman* Church in all the Points for which he had been excommunicated, and made *Tommaſo* Count of *Cerra*, and all theſe *German* Prelates and Lords, who drew up the Inſtrument and Articles of Agreement, as they are recorded by *Riccardo* in his Chronicle, to ſwear to his Performance; the chief Articles follow.

I. THAT within the Space of a Year common Umpires ſhall be choſen to agree on the Form and Manner of reſtoring *Gaeta* and S. *Agata* to the Emperor, and ſecuring the Inhabitants of the Kingdom; and that in the mean Time the Emperor ſhall not moleſt the Cities he had loſt, nor ſuffer them to be moleſted by his Officers.

II. That the Emperor ſhall pardon all the *Germans*, *Lombards*, and *Tuſcans*, and generally all the *Sicilians* and *French*, who have ſided with the Church of *Rome* againſt him, and ſhall not ſuffer them to be moleſted on that account.

III. The ſaid Emperor ſhall repeal all Decrees, Conſtitutions, and Proclamations publiſh'd againſt them on account of the late War.

IV. THE Emperor likewiſe promiſes, that the Lands of the Church in the Dukedom of *Spoleto*, *La Marca*, and other Places of her Patrimony, ſhall not be invaded, or laid waſte by him or his.

THE ſaid *German* Princes promiſe to be Guarantees of the above Articles agreed upon.

THEN the Archbiſhop of *Saltzburg* made a long Speech on the Emperor's good Inclinations towards the Church of *Rome*, and apologiz'd for the by-paſt Miſunderſtanding; and the Cardinal of S. *Sabina* made an eloquent Speech in anſwer to him: And the ſame Day the Cardinal Legates, in the Name of the Pope, made the Emperor ſwear to reſtore all that he had taken, or caus'd to be taken in *La Marca*, and the Dukedom of *Spoleto*, or in any other Part of the Patrimony of the Church, and all the Territories and Caſtles of Monaſteries or Abbies, and particularly of the Monaſtery of S. *Ciricus d'Introducco*, and all the Poſſeſſions of the Knights Templars, and Hoſpitalers, and of all Barons or other Noblemen of the Kingdom whatſoever, who have been Adherents and Partiſans of the Pope, and to reſtore to their Sees the Archbiſhop of *Taranto*, and all the other Biſhops and Prelates that had been baniſh'd the Kingdom. And beſides made him ſwear; *Ut de cætero nullus Clericus in civili, vel in criminali cauſa conveniatur, & quod nullus talleas, vel collectas imponat Eccleſiis, Monaſteriis, Clericis, & viris Eccleſiaſticis, ſeu rebus eorum; & quod Electiones, poſtulationes, & confirmationes Eccleſiarum, ac Monaſteriorum libere fiant in Regno ſecundum ſtatuta Concilii Generalis*[1].

THEN, by Order of the Pope, Friar *Gualdo* took off the Interdiction under which Cardinal *Pelagio* had put the Churches of S. *Germano*, and other Places belonging to the Monaſtery of *Monte Caſſino*, and allow'd them to celebrate the Divine Offices, but excluded from hearing them, the Duke of *Spoleto* and all thoſe that with him had made War in *Marca*. And in purſuance of the Treaty, the Emperor ſoon after reſtor'd *Trajetta* and *Suggio*, with the County of *Fondi* to *Ruggieri dell' Aquila*, and Caſtle *Janola*, to *Adenolfo* Abbot of *Monte Caſſino*, on Condition however, that the ſaid Caſtle ſhould be kept by *Rinaldo Belenguino di Santa Elia*, till the Emperor ſhould be abſolv'd from the Cenſures. *Frederick* having gone to the Caſtle of *Arce*, caus'd the Lords of *Aquino*, who had the Charge of *Ponte Corvo*, *Piedmonte*, and *Caſtel Nuovo*, to reſtore them to the Abbot *Adenolfo*; and from thence, with a good Body of Troops, he march'd to *Cepparano*, where, on the Feaſt of S. *Auguſtine* in the Month of *Auguſt* in the Chapel of S. *Giuſta*, he was abſolv'd from the Excommunication by the Cardinal of *Capua* Biſhop of *Sabina*, and on the laſt Day of the ſaid Month went to meet with *Gregory* in *Alagna*, having ſent at the ſame Time Letters over all the Kingdom concerning the Immunity of Churches, Monaſteries, and Eccleſiaſtical Perſons, and their Goods and Poſſeſſions, ordering the Counts, Barons, Juſtices, Chamberlains, and Bailiffs of the Kingdom of *Sicily*, *ne ullus Monaſteriis, Eccleſiis, Perſonis Eccleſiaſticis, aut rebus eorum talleas, vel collectas præſumat imponere, ſalvis illis ſervitiis, ad quæ certæ Eccleſiæ, vel perſonæ tenentur nobis ſpecialiter obligatæ*, according to his Diploma tranſcrib'd by *Riccardo* in his Chronicle.

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[1] Ric. S. Germ.

FREDERICK incamp'd without the Walls of *Alagna*, and the firſt Day of *September* made his Entry into it, where he was met and receiv'd with all Marks of Honour by the Cardinals, and all the other Prelates and Miniſters of the Pope, and was invited to eat with him, and for three Days running they continued together converſing on their weighty Affairs, in Preſence only of the Great Maſter of the *Teutonick* Order. And after reciprocal Marks of Kindneſs, he took leave of *Gregory*, and return'd to the Camp; and while he was there, he gave to *Giovanni di Poli* the County of *Albi* in exchange for the County of *Fondi*, and reſtor'd it to *Ruggieri dell' Aquila*; and at the Emperor's Deſire the Pope abſolv'd the Abbot of S. *Vincenzo*, and the Prelates that had been excommunicated for adhering to the Emperor. And in the mean Time the Biſhops of *Tiano*, *Aliſe*, and *Venafro*, and all the other Prelates that had fled the Kingdom, return'd to their Sees, and the Prelates, and Princes of *Germany* to their own Country. *Bzovius* in his Annals adds, that ſome *German* Authors write, that the Emperor, in order to be Friends with the Pope, paid him a Hundred and Twenty thouſand Ounces of Gold for the Loſſes he had ſuſtain'd by the War. *Girolamo dalla Corte*, in his Hiſtory of *Verona*, ſays, there were only Twelve thouſand Ducats paid; but *Riccardo*, who gives a particular Account of theſe Tranſactions, makes not the leaſt mention of any Sum paid.

THIS Peace being thus concluded, the Emperor decamp'd from *Alagna*, and march'd back to S. *Germano*, and from thence, by the Way of *Capua*, march'd into *Puglia*, and halted in *Melphis*; and being diſingag'd from this War, and the Kingdom in Peace, he reſolv'd the Year following 1231. to put it upon a better Footing, and with new Laws to ſettle Peace and Tranquillity, and repair the by-paſt Loſſes.

CHAP. VIII.

Of the Conſtitutions of the Kingdom.

OUR Profeſſors, being ill verſed in Hiſtory, have treated no part of the Laws of our Country ſo confuſedly and careleſly, as that concerning the Body of our Conſtitutions. There is no-body but knows, that the Emperor *Frederick* committed the Work to *Pietro delle Vigne*, and that he did it by his Command; but how, and when it was publiſh'd, of what Conſtitutions, and of what Princes it conſiſts, and of what Authority it was with us, and how the Laws contain'd in it have been explain'd and commented on by our Writers, they are profoundly ſilent. Therefore many have confounded the Conſtitutions, and attributed thoſe of one Prince to another, as has been obſerv'd in the preceding Books of this Hiſtory, where many of *Roger*'s Laws have

have been aſcrib'd either to the two *Williams* or *Frederick*; and, on the contrary, many Conſtitutions of that Emperor have been father'd upon *Roger*. Many through Ignorance of the Scope and Deſign of them, and of the Cuſtoms of theſe Times, have put ſtrange Conſtructions upon them, and others have reckon'd ſome of them Impious and Sacrilegious.

FREDERICK then, a moſt prudent Prince, who would imitate the wiſeſt Kings of the Earth, both in Arms and Laws, having this Year 1231. made Peace with Pope *Gregory*, and quieted his Kingdoms of *Sicily* and *Puglia*, turn'd his Thoughts to the Laws, in order to ſettle a more durable and laſting Tranquillity among his Subjects. Not that he publiſh'd all the Conſtitutions this Year, which we read in this Volume, divided into Three Books. The Collection was made this Year, but the Laws were made, ſome before, and ſome after this; for many other Conſtitutions were added afterwards, whence they bear this Inſcription, *nova Conſtitutio*. He would have the Conſtitutions of the Kings of *Sicily* his Predeceſſors inſerted in this Code, among theſe he picked out many of King *Roger* I. his Grandfather; ſome of *William* I. his Uncle, and a few of *William* II. his Couſin-German, of which we have treated at large in the preceding Books. He had no Regard for what had been made by *Tancred* and *William* III. whom he did not look upon to have been lawful Kings, but Uſurpers, as we have obſerv'd elſewhere. Beſides the Conſtitutions of theſe Princes his Predeceſſors, he would have his own, publiſh'd at different Times, on various Occaſions, and in ſundry Cities of his Kingdoms of *Sicily* and *Puglia*, to be inſerted, and he abrogated and repealed the antient Laws and Cuſtoms that any ways claſh'd with theſe Conſtitutions, and ordain'd that theſe alone ſhould be obſerv'd, and have all Force and Authority in the Kingdom of *Sicily*, which he calls *Hæreditas pretioſa*[1]. And it muſt be obſerv'd, that by the Kingdom of *Sicily*, he means not only that Iſland, but likewiſe our Kingdom, which was ſometimes call'd *Puglia*, and ſometimes *Sicily* on this Side the *Phare*, and at laſt was call'd the Kingdom of *Naples*; ſo that they are widely miſtaken, who reckon the ſaid Conſtitutions to have been made for the Iſland of *Sicily* only; neither is *Ramondetta* to be pardon'd, for writing, that theſe Laws were not made for the People of that Iſland, but for thoſe of the Kingdom of *Naples* only; which is ſo manifeſt an Error, that there is not one Conſtitution but what proves it to be ſuch.

FREDERICK had eſtabliſh'd many Conſtitutions for the Government of theſe Realms before this Year 1231[2]; and from the very Beginning of his Reign, after the Guardianſhip of *Innocent* III. in ſeveral Parliaments held in *Puglia*, and other Parts of the Kingdom, he began to enact Laws. Beſides theſe Laws which he made in *Rome* after his Coronation by *Honorius*, whereof we have ſpoken in the preceding Book, and which have no relation to ours, after his Coronation, when he came from *Rome* to *Capua* in the Year 1220. he held a general Parliament for the Good of the Kingdom, and publiſh'd his Ordinances contain'd in twenty Chapters, according to S. *Germano*[3]: *Et ſe recto tramite Capuam conferens, & regens ibi Curiam generalem pro bono ſtatu Regni ſuas aſſiſias* (that is to ſay, Regulations which were wont to be eſtabliſh'd in General Courts for the publick Good, and the Benefit of the Vaſſals[4]) *promulgavit, quæ ſub viginti capitulis continentur*.

THERE are ſome who write, that in the following Year 1221. he call'd a General Meeting in *Melphis*, and publiſh'd other Conſtitutions; but ſeeing *Riccardo* makes no mention of them, we will not take upon us to affirm it; thoſe, who have written ſo, have been deceiv'd by the Date, for, in the vulgar Editions, inſtead of 1231. by an Error of the Preſs, we read 1221. Theſe other Conſtitutions, which we likewiſe find inſerted in this Volume, according to *Riccardo*, were not publiſh'd this Year in *Melphis*, but in *Meſſina*: *Imperator per Apuliam, & Calabriam iter habens, feliciter in Siciliam transfretat, & Meſſanæ regens Curiam generalem, quaſdam ibi ſtatuit aſſiſias obſervandas contra luſores*, &c. which we alſo find in the Third Book, under the Titles *De his qui ludunt ad dados*, &c. *De blaſphemantibus Deum*, &c.

THE ſame *Riccardo* ſays, that in the Year 1222. *Frederick ſua ſtatuta per Regnum dirigit in ſingulis Civitatibus & Villis*; and in the Year 1224. many Laws were publiſh'd concerning the Eſtabliſhment of the Univerſity erected in *Naples*, as we have obſerv'd elſewhere; and in the Conſtitution *nihil veterum*[1] there is mention made of *Frederick*'s Expedition into *Lombardy* to curb the rebellious *Lombards*, and of his ſudden Return to *Puglia*, which, according to *Riccardo*[2] and *Errico Sterone*[3], both of them Contemporary Writers, fell out in the Year 1226; and thus from Time to Time after *Frederick* return'd from *Paleſtine* in the Year 1229. he publiſh'd other Conſtitutions on various Occurrences[4]; and in the Beginning of this ſame Year 1231. *Riccardo* ſays[5], that *Frederick* ſent his Ordinances concerning the Conceſſions and Privileges granted by himſelf, and *Rinaldo* Duke of *Spoleto*, after he went to *Paleſtine*, to *Stefano d'Anglone* his Chief Juſtice of *Terra di Lavoro*, ordering him to lay them before his Imperial Court by a certain Time, otherwiſe they were to be reputed void, and of no Force; as we read in this Code under the Title *De Privilegiis* in the Second Book.

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[1] Conſtit. de legib. in princ. lib. 1. §. preſentes: Regnum Siciliæ Sanctiones, & noſtras, &c.

[2] V. Andreys diſp. Feud. cap. 1. num. 1. *who ſays that the Conſtitution*, Ut de Succeſſionibus, *was made in the Year* 1221.

[3] Ric. anno 1220.

[4] Dufreſne in Gloſſar. v. Aſſiſa.

AT the ſame Time, according to *Riccardo*, he forbad his Barons to build new Walls and Towers in their Towns and Caſtles, as we alſo read in the Third Book under the Title *De novis Edificiis*: He likewiſe made other Laws concerning the Subſidies which the Counts, Barons, and Prelates, who held Fiefs, were oblig'd to pay, of which there are ſome Veſtiges remaining in the Three Books of theſe Conſtitutions. And we have good Grounds to believe, that the ſo famous and remarkable Conſtitution *Inconſutilem*, full of Rigour and Severity againſt the *Patareni*, and other Hereticks of theſe Times, was publiſh'd by *Frederick* in the Month of *February* this very Year 1231. to prevent the Miſchiefs, which their daily growing Number might occaſion in theſe Kingdoms. *Riccardo* ſays, that the Number of the *Patareni* increas'd to that Degree in *Italy*, as even *Rome* itſelf, the Seat of Religion, was defiled and infected, and great Rigour was us'd in order to extirpate them; inſomuch that many, who continued obſtinate in their Errors, were burnt, and others more tractable, were impriſon'd in the Monaſteries of *Monte Caſſino* and *Cava*, to remain there till they had abjur'd their Errors, and done Penance for them: And their Number grew ſo great, that they ſpread further than *Rome*, and alſo began to infect the Cities of our Kingdom, and eſpecially *Naples*, where they grew to ſuch Numbers, that *Frederick* ſent thither the Archbiſhop of *Reggio*, and *Riccardo di Principato* his Marſhal, to puniſh them with Severity, and accordingly many of them were found and impriſon'd, and this was the Reaſon that mov'd *Frederick* to publiſh the following Conſtitution[6] for puniſhing Hereticks, thoſe that harbour'd them, and their Abettors with the utmoſt Severity; theſe are the Words of the Conſtitution: *Et tanto ipſos perſequamur inſtantius, quanto in evidentiorem injuriam fidei Chriſtianæ, prope Romanam Eccleſiam, quæ caput aliarum Eccleſiarum omnium Judicatur, ſuperſtitionis ſuæ ſcelera latius exercere noſcuntur. Adeo quod ab Italiæ finibus, & præſertim a partibus Lombardiæ, in quibus pro certo perpendimus ipſorum nequitiam amplius abundare, jam uſque ad regnum noſtrum Siciliæ, ſuæ perfidiæ rivulos derivarunt. Quod acerbiſſimum reputantes, ſtatuimus*, &c.

RICCARDO likewiſe writes, that in the Month of *June* this very Year *Frederick* made other new Conſtitutions in *Melphis*: *Conſtitutiones novæ, quæ Auguſtales dicuntur, apud Melfiam, Auguſto mandante conduntur.* And at the ſame time Inquiry was made *De campangiis, falſariis, aleatoribus, tabernaris, homicidis, vitam ſumptuoſam ducentibus, probibita arma portantibus, & de violentiis mulierum*; and the Guilty ſuffer'd the Puniſhments preſcrib'd in his different Conſtitutions, which, under their reſpective Titles, we now read in this Code.

OF all theſe Conſtitutions hitherto eſtabliſh'd by *Frederick* in the preceding Years, on various Occaſions, and of thoſe of the Kings of *Sicily* his Predeceſſors, *Pietro delle Vigne* this Year compil'd that new Volume, which is now call'd the Conſtitutions of the Kingdom; and in the Month of *Auguſt* of the ſaid Year 1231. in a ſolemn Aſſembly held in *Melphis*, all theſe Conſtitutions, thus collected, were publiſh'd to the People, that now the antient Conſtitutions being repealed, theſe were to be obſerv'd. *Frederick* ſpeaks thus of them: *Accipite gratanter, O Populi, Conſtitutiones iſtas, tam in judiciis, quam extra judicia potituri. Quas per Magiſtrum Petrum de Vineis Capuanum magnæ Curiæ noſtræ Judicem, & fidelem noſtrum mandavimus compilari*[7].

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[1] De Offic. Magiſt. Inſt. v. ſicque nuperrime.

[2] Ric. anno 1226.

[3] In Chron. an. 1229.

[4] Conſt. cum conceſſiones de privileg. lib. 2.

[5] Ric. anno 1231.

[6] Conſtit. Inconſutilem. Conſt. de Receptatoribus, &c. lib. 1.

[7] Tit. ult. lib. 3. Conſtit.

RICCARDO in his Chronicle witneſſeth, that this was done in the Month of *Auguſt* 1231, *Conſtitutiones Melfiæ publicantur.* And the old correct Editions, agree with him in the Date; *Actum in Solemni Conſiſtorio Melfienſi, anno Dominicæ incarnationis* M. CC. XXXI. *menſe Auguſti, indictionis quartæ.* And the reading was the ſame in the old Edition, of which our *Matteo dell' Afflitti* made uſe, when he made his large Commentary upon theſe Conſtitutions, not doubting that they were publiſh'd that Year, as *Matteo* himſelf writes[1]: *Ex quo iſtæ Conſtitutiones editæ fuerunt mandante dicto Imperatore per doctiſſimum virum Petrum de Vineis in anno Domini* 1231. Whence 'tis evident, that in the new and vulgar Editions, which are handed about, there is a manifeſt Error, in dating them in the Year 1221.

'TIS likewiſe to be obſerv'd, that after this Work was publiſh'd, *Frederick* made other Conſtitutions at different Times in the following Years, and which *Taddeo di Seſſa*, *Roffredo Beneventano*, and laſtly, *Andrea*, and *Bartolommeo di Capua*, inſerted in this Code under their proper Titles, whence they are call'd *Novæ Conſtitutiones.* Thus did *Frederick* cauſe to be publiſh'd in the Month of *February*, the following Year 1232, his Conſtitutions *De Mercatoribus*, *Artificibus*, *Medicis*, *Aleatoribus*, *Damnis*, *Militibus*, *Notariis*, &c. as we read in *Riccardo*'s Chronicle, where we muſt advert, that *Ughellus*, who caus'd this Chronicle to be printed in the third Volume of his *Italia Sacra*, was in the wrong, after the Words; *Poſt Mundi machinam providentia Divina firmatam*, &c. to add theſe; *Harum aliquot Richardus Author Hiſtoriæ ponit, ſed nos remittimus lectorem ad librum Conſtitutionum Regni Siciliæ*; whence 'tis clear, that theſe Words have been foiſted in by ſome Student, and are no Part of the Text. We likewiſe find theſe Conſtitutions inſerted in the Volume of our Conſtitutions, as is clear from the Titles *De Mercatoribus*: *De fide Mercatorum*: *De Medicis*: *De Aleatoribus*; or, *De his qui ludunt ad dados*, and others, which we read in the third Book. And in the Month of *October* of this ſame Year, and in the ſame Place, he publiſh'd others concerning the *Annona*, Weights and Meaſures, and others which we read in the ſaid Chronicle, and whereof we have ſtill ſome Veſtiges in the Books of our Conſtitutions: *Menſe Octobri in S. Germano hujuſmodi ſunt Imperiales Aſſiſiæ publicatæ.* And *Frederick* about the End of the following Year 1233, having gone to *Sicily*, held a general Parliament in *Syracuſa*, and made that famous Conſtitution; *Ut nulli*, according to *Riccardo*, *liceat de filiis, & filiabus Regni matrimonia cum externis, & adventitiis, vel qui non ſint de Regno, abſque ipſius ſpeciali requiſitione, mandato, ſeu conſenſu Curiæ ſuæ contrahere, videlicet, ut nec aliquæ de Regno nubere alienigenis audeant, nec aliqui alienigenarum filias ducere in uxores, pœna appoſita omnium rerum ſuarum amiſſione.* Which Conſtitution we read under the Title *De Uxore non ducenda ſine permiſſione Regis*, then follows that, which begins *Honorem noſtri Diadematis*, wherein we find the ſame Words of *Riccardo*, and becauſe it was publiſh'd this ſame Year after that in *Melphis*, it bears this Inſcription, *Nova Conſtitutio.* *Frederick* had good Reaſon for making this Conſtitution, for ſeeing he had eſtabliſh'd by Law, that Women could ſucceed to Fiefs, he did not think fit to allow them to marry into ſtrange Families, and perhaps Enemies to him, without the Conſent of his Court, of which Conſtitution we have ſpoken ſufficiently, when we had occaſion to treat of King *Roger*'s Laws, where we cenſur'd *Andrea d'Iſernia*'s Error, who look'd upon it as a Reſtraint upon the Freedom of Marriage. After this Conſtitution had been for a long Time in Force, it was reform'd in our Kingdom by *Charles* II. and intirely aboliſh'd in *Sicily* by King *James*.

FREDERICK, in order to ſettle Peace and Tranquillity in his Dominions of *Sicily* and *Puglia*, made other Laws in the following Years; and after he had, in the Year 1243, appointed Fairs to be held in ſome Cities, of which in their Place, ſo far as we can gather from *Riccardo*, who ends his Chronicle that ſame Year, we find that he publiſh'd diverſe other Conſtitutions; and in the Month of *September* of the ſame Year, we ſee, that in *Groſſetto quaſdam edidit Sanctiones*, according to *Riccardo*, *contra Judices, Advocatos, & Notarios, quas per totum Regnum publicari præcepit, & tenaciter obſervari, quarum initium tale eſt, nihil veterum authoritati detrahitur*, &c. which are his laſt Conſtitutions, and are likewiſe inſerted in the firſt Book of the Volume of our Conſtitutions, under the Title *De Officio Magiſtri Juſtitiarii, & Judicum Magnæ Curiæ*, which therefore bears the Inſcription of

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[1] Afflit. in prælud. q. 1. num. 1.

Nova Conſtitutio; and under the Title *De Advocatis ordinandis*, with the Two following. As all theſe Conſtitutions related to the Kingdoms of *Puglia* and *Sicily*, there's no occaſion, as we have obſerv'd elſewhere, to confound them with the *Imperial* ones eſtabliſh'd in *Rome*, or with thoſe publiſh'd in *Germany*, to wit, in the Year 1213 in *Egra*, and in 1234 in *Francfort*, and in 1235 in *Mentz*, and elſewhere, whereof *Goldaſtus* [1] has made a Collection, which may be read in his Volumes; theſe Conſtitutions not being deſign'd for our Kingdoms, had no Force or Authority in them.

[1] Goldaſt. tom. 1. pag. 77, 289, 290, 293, & tom. 2. pag. 51, & ſeqq.

SECT. I.

Of the Uſe and Authority of theſe Conſtitutions during the Reign of the Suevi; *and of their Expoſitors.*

WHEN theſe Conſtitutions of the Emperor *Frederick* were publiſh'd, and as long as he liv'd, and during the Reign of the Houſe of *Suevia*, they were univerſally eſteem'd as moſt prudent, moſt juſt, as proceeding from conſummate Wiſdom, and not exceeding the Power of a Prince. It did not appear ſtrange then to have inſerted in theſe Volumes, the Conſtitutions of *Roger* and *William* I. of which we have treated in the preceding Books. Nor was it then thought amiſs for this Prince to have renew'd many Conſtitutions concerning Matrimony, and the Goods of the Churches, forbidding the Acquiſition of Immoveables to Eccleſiaſticks, as by one of his Conſtitutions, which we read in the third Book, under the Title *De rebus ſtabilibus Eccleſiis non alienandis*, and ſuch like. But when afterwards, by the Intrigues of the *Roman* Pontiffs, mortal Enemies to the Houſe of *Suevia*, the Kingdom went to that of the Dukes of *Anjou*, and Counts of *Provence*, as we ſhall relate, though *Charles* I. and II. order'd theſe Conſtitutions to be obſerv'd in the Kingdom [1]; nevertheleſs our Profeſſors, who flouriſh'd in the Reigns of the Kings of the Houſe of *Anjou*, being Time-ſervers, and Sticklers for the Popes, to whom theſe Princes ow'd the Kingdom, began to revile ſome of *Frederick*'s Conſtitutions, looking upon them, according to the Maxims of theſe Times, as contrary to the Intereſt of the Court of *Rome*, and therefore impertinent, wicked, unjuſt and prejudicial to the Eccleſiaſtical Immunity, the Freedom of Matrimony, and ſuch like Things, inſomuch, that none of them would comment upon the Conſtitution *De rebus Stabilibus Eccleſiis non alienandis*, as being Sacrilegious, and, as was thought, prejudicial to the Eccleſiaſtical Immunity; and *Matteo d'Afflitto*, who makes a ſhort Commentary upon it, in the very beginning ſays, *Hæc Conſtitutio nihil valet, quia Imperator non potuit contra libertatem Eccleſiæ, & perſonarum Eccleſiaſticarum prohibere, quod non reliquantur res Stabiles Eccleſiæ inter vivos, vel in ultima Voluntate*; as if *Frederick* had been the firſt that eſtabliſh'd it; though he declares in the Conſtitution, that he did no more than renew what his Predeceſſors had done, and what was, and ought to be allow'd to all Princes in their Kingdoms and Dominions.

MARINO di Caramanico, the moſt learn'd Gloſſator, who flouriſh'd under *Charles* I. of the Houſe of *Anjou*, and wrote his Gloſſes a little after the Conſtitutions were publiſh'd, under the Government of the *Suevi* [2], was the moſt moderate of all the Gloſſators. In the Year 1269, in the Reign of *Charles* I. he was Judge under the Governor of *Naples* [3]. His Gloſſes are modeſt, and learn'd, inſomuch, that with Poſterity he acquir'd the Name of an approv'd Gloſſator, as *Matteo d'Afflitto* calls him [4]: Theſe Conſtitutions of this Prince did not appear ſo ſtrange and extravagant to him, as they did to thoſe that ſucceeded him. He ſtarted no Difficulty, whether they, as being promulg'd by *Frederick*, who was dethron'd, ought to be obſerv'd, and have the Force and Vigour of Laws; he is for the Affirmative;

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[1] Cap. quod incipit, Conſtitutiones, pag. 29. Cap. quod incipit, ad perpetuum, pag. 36 Affl. in prælud. Conſt. qu. 1. num. 2.

[2] V. Andreys diſp. Feud. cap. 1. ſect. 1. num. 2.

[3] Fab. Jordan. in addit. ad procem. Conſtit.

[4] Afflit. in prælud. in princ. num. 2.

and though it be by the by, and only ſpeaking of *Frederick*'s having made and cauſ'd them to publiſh'd, *Antequam imperio privaretur, & de Regno* [1]; yet he ſpeaks of the Power of our Princes, if not as he ought to have done, at leaſt as much as he durſt venture upon, at a Time when it was neceſſary to humour the Popes, by whoſe Means the reigning Family had got Poſſeſſion of the Kingdom. *Bartolommeo di Capua*, and *Sebaſtiano Napodano*, who ſucceeded *Marino*, confin'd themſelves in commenting on theſe Conſtitutions, to the ſame or the like modeſt Way, and *Andrea da Barletta*, who was the firſt that commented on them, was yet more reſerv'd, as may be gather'd from *Andrea d'Iſernia* [2], who liv'd under *Frederick*, and *Franciſco Teleſe* Attorney General, in the Year 1282, who likewiſe wrote upon the Conſtitutions of the Kingdom, and with whom *Geſnerus* and *Toppi* agree.

BUT in the following Times, when the new Maxims of the Court of *Rome* had taken deeper Root, *Andrea d'Iſernia*, in his Commentaries upon theſe Conſtitutions, as if he had been *Frederick*'s mortal Enemy, revil'd the Memory of that Prince, and condemn'd many of his Conſtitutions, and among the reſt, that forbidding Barons to marry without the King's Permiſſion, and does not ſtick to ſay, That it had brought *Deſtructionem animæ iſtius Federici prohibentis per obliquum matrimonia inſtituta a Deo in Paradiſo.*

ISERNIA ſcrew'd up the Pretenſions of the Popes to the higheſt Pitch, and look'd upon this Kingdom as a true Fief of the Church [3], and having imbib'd the Maxims of the Eccleſiaſticks, he ſtuff'd his Commentaries with Errors moſt prejudicial to the Supreme Regalia of our Kings, the true and independent Monarchs of this Realm.

LUCA di Penna, *Pietro di Monteforte*, *Diomede Mariconda*, *Biaggio di Morcone*, *Pietro Arcamone*, *Giacopo*, and *Niccolo Ruffo*, *Sergio Donini Urſonis*, *Argentino*, *Pamfilo Mollo*, *Niccolo Capoſcrofa*, *Pietro Piccolo di Monforte*, *Lallo di Toſcana*, *Giovanni Grillo*, *Ceſare de Perinis*, *Giovanni Criſpano* the Biſhop, and *Niccolo Superanzio*, and others, were more moderate, and contented themſelves with making ſome ſhort Gloſſes and Notes on theſe Conſtitutions, till under the Government of the Kings of *Arragon*, *Matteo d'Afflitto*, in his declining Days, though very uprightly, in the Year 1510, undertook to illuſtrate them with more ample and voluminous Commentaries, which he very ſurprizingly finiſh'd in three Years Time.

THOUGH, for the moſt Part, theſe Conſtitutions had been repeal'd, and many of them in deſuetude, becauſe of the new *Capitula* made by the Kings of the Houſe of *Anjou*, yet in the Time of the Kings of the Houſe of *Aragon*, they were in full Force and Vigour; and *Ferdinand* I. of *Aragon*, by a particular Conſtitution dated in *Foggia* the 25th of *December* 1472, order'd them to be obſerv'd in his Kingdom [4]; therefore *Matteo d'Afflitto* thought his Pains would be well beſtow'd in illuſtrating them with a larger Commentary. And, as he himſelf ſays, in the Courſe of more than Forty Years, from the Time that *Andrea d'Iſernia* had made his Comments, to his own Time, there had occurr'd to him, while he was firſt Judge of the High Court of the *Vicaria*, and afterwards Counſellor, Nine other Queſtions not treated of by *Andrea*.

BUT through the deprav'd Taſte of the Age, *Matteo* could not depart from the common beaten Path, for he ſtuff'd his Commentaries with idle and uſeleſs Queſtions; ſuch as, Whether *Frederick*, though he had publiſh'd theſe Conſtitutions before his Depoſition, could give them the Force and Vigour of Laws, ſo as to oblige his Subjects to obſerve them, ſeeing he had been before excommunicated by *Gregory* IX. and the Laws of an excommunicated Perſon are of no Force?

THESE Diſputes are altogether frivolous, not only becauſe the Laws were binding on the People by their accepting of them; but likewiſe becauſe in the Year 1231, when *Frederick* publiſh'd them, he had been abſolv'd by *Gregory*, and was in Peace with the Church of *Rome*, as we have ſaid. But there is no occaſion to lay any Streſs upon that Reaſon, becauſe *Frederick* was a ſecond Time excommunicated by *Gregory* in the Year 1239, and though the Volume of his Conſtitutions had been publiſh'd ever ſince the Year 1231, yet, as we have ſaid above, he publiſh'd ſome others after the ſaid Year 1239, to wit in 1243, and the following Years, when he lay under *Gregory*'s ſecond Sentence of Excommunication, which Conſtitutions were inſerted in the ſaid Volume. Whence the moſt judicious Men look upon it as impertinent, and quite foreign to the Purpoſe, to inquire whether Laws made by a Prince under Sentence of Excommunication, be binding or not; without inquiring into the Validity of the Cenſures againſt *Frederick*: 'Tis certain, Excommunication has nothing to do with a Prince's legiſlative Power, an eſſential Part of the *Regale*, and inſeparable from the Crown, which cannot be affected by Excommunication, which has no other Force or Effect, ſuppoſing it ever ſo juſt, than to ſeparate a Perſon from the Communion of the Church, by rendering him incapable of receiving the Sacraments and Prayers thereof, or whatever elſe ſhe can beſtow on the Faithful; but not to unman People, and exclude them from civil Society, much leſs can it deprive Princes of their Domiuions, the Adminiſtration of Juſtice, and Power of making Laws; of which in another Place.

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[1] Marin. de Caram. in Proœm. Conſtit.

[2] Iſern. in Conſtit. lib. 3. de jur. Balii.

[3] Andr. in Proœm. Conſtit. num. 10 & 20.

[4] Afflit. in Prælud. qu. 1. num. 2.

OUR Doctors, who treat of *Frederick*'s Depoſition by *Innocent* IV. in the Council of *Lyons*, and ſay, That if theſe Conſtitutions were made by him after his Depoſition in the Year 1246, they were of no Force nor Authority, are to be excus'd; ſeeing at that Time no body doubted of the Pope's having Power to depoſe Emperors from the Empire, and Kings from their Kingdoms, and abſolve their Vaſſals from their Oaths, according to the Maxims with which the Minds of Men were then beſotted; but now it has been clearly prov'd by able Divines and Lawyers, that neither the Pope nor the Church herſelf have Power to depoſe Princes, and much leſs Emperors, or to abſolve Vaſſals from their Oaths; for the Power of the Church is reſtricted to ſpiritual Matters only, and ſhe can take nothing away, but what is in her Power to give; whereas Princes hold their Dominions neither of the Church nor the Pope, but of God, the only and ſole Lord; which, among others, has been at large demonſtrated by that famous Divine of *Paris*, *Dupin* [1], and ſhall be handled by us, when we come to treat of *Frederick*'s Depoſition.

AFTER theſe ample and voluminous Commentaries of *Matteo d'Afflitto* upon the Conſtitutions, our Profeſſors, who ſucceeded him, contented themſelves with reading them, and making ſome ſhort Notes on them, and a few Additions to the Commentaries of *Andrea d'Iſernia*, as the Counſellor *Giacopo Anello de Bottis*, *Giov. Angelo Piſanello*, *Fabio Giordano*, *Bartolommeo Marziale*, *Marc' Antonio Pulverino*, and others did. But when the Houſe of *Auſtria* ſucceeded to that of *Aragon*, theſe Conſtitutions were in a great Meaſure alter'd by their new Laws and Pragmaticks; inſomuch that our Profeſſors wrote no more upon them, as ſhall be told in a proper Place; neither were they any more ſtudied, but remain'd as *Matteo d'Afflitto*, and thoſe few who ſucceeded him, left them; and now ſuch of them as are not repeal'd or in deſuetude, have with us all Force and Authority of Laws; but 'tis quite otherwiſe with the *Longobard* Laws, which have no Authority, and are altogether forgotten.

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[1] Dupin. de Antiq. Eccl. Diſcipl.

THE CIVIL HISTORY Of the KINGDOM of NAPLES.

BOOK XVII.

AS the Peace lately concluded with Pope *Gregory*, was not expected to be of long Duration, ſo there happen'd new Grounds of Quarrel, which broke it; and a cruel and obſtinate War was again begun, which long afflicted *Italy*, the pernicious Effects whereof alſo reach'd our Provinces, though they were not the Seat of it. Notwithſtanding the Peace made with *Gregory*, *Frederick* was ſtill jealous that he intended to make War anew in our Kingdom; therefore this Year 1232, he caus'd all the Caſtles on the Borders of *Campagna* to be fortify'd and provided; and in the beginning of the Year 1233, he order'd *Lucera* in *Puglia*, to be fortify'd, and garriſon'd with a greater Number of *Saracens*, and on the contrary, he made the Walls of *Troja* to be levelled, becauſe during the late Troubles, that City had been more favourable to the Pope, than faithful to him [1]. He likewiſe caus'd the Caſtles of *Trani*, *Bari*, *Naples* and *Brindiſi* to be fortified; and the Year following, he order'd *Caſtello Capuano* in *Naples*, to be inlarg'd, and ſent *Niccolo Cicala* to *Capua*, to overſee the building of a new Caſtle there, the Plan of which he had drawn with his own Hand upon the Hill. And after he had ſuppreſs'd the Rebellion of *Bertoldo*, Brother to the Duke of *Spoleto*, who had adviſ'd *Bertoldo* to fortify and defend *Introdocco*, he baniſh'd them both to *Germany*. He likewiſe recover'd the City of *Gaeta*, which took an Oath of Fidelity, both to him and his Son *Conrade*; and afterwards he ſent thither *Ettore di Montefuſculo*, Juſtice of *Terra di Lavoro*, who, by his Orders, appointed a Cuſtom-houſe, and depriv'd that City of the Conſulſhip, which hitherto it had injoy'd, and after he had taken away the Power of creating Conſuls, he ſent Officers to command there in his Name, and fortify'd the Place with Thirty Towers.

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[1] Ric. S. Germ.

BUT though, with ſo much Precaution, he had ſtor'd and fortify'd the Kingdom, yet he was afraid that the Pope, by ſome Means or other, might fruſtrate his Deſign of ſubjecting *Milan*, and the other rebellious *Guelf* Cities of *Italy* to his Obedience. He had been taught by long Experience, that all the Deſigns of the Popes were to keep theſe Cities divided, and ſtir up the *Guelfs* againſt the *Ghibellines*, leſt the Emperors, by ſubjecting all *Italy*, ſhould have an itching Deſire alſo to ſubject *Rome* and the State of the Church, which had been diſmembred from the Empire. And though *Gregory*, on *Frederick*'s firſt Motion againſt the rebellious Cities of *Lombardy*, by means of his Legate, made up the Differences, and out of ſeeming Zeal for Peace, was many times at great Pains to reconcile them; nevertheleſs all theſe Intrigues came to nothing, for in ſettling the Articles of Agreement, the Pope was ſtill biaſs'd in Favour of the Cities that were Enemies to the Houſe of *Suevia*, ſo that nothing could be concluded. *Frederick*, with good Reaſon, made heavy Complaints of the Pope, who made a very ungrateful Return for what he had done for him, in making up the Differences betwixt him and the *Romans*, who had often mutiny'd againſt him in *Rome*, and forc'd him ignominiouſly to leave that City: he not only manag'd a Peace betwixt the Pope and the *Romans*, and thoſe of *Viterbo*, but likewiſe reduc'd the *Romans* to the Pope's Obedience, and made them receive him and the Cardinals with all Marks of Reſpect and Submiſſion.

CHAP. I.

Henry *King of* Germany *rebells againſt the Emperor* Frederick *his Father: But being overcome, is humbled; and* Frederick *makes War againſt the* Lombards *in* Italy; *Pope* Gregory *oppoſes him, and at laſt excommunicates him.*

THESE Steps of *Gregory*, who was too much inclin'd to favour the Cities that were Enemies to *Frederick*, made the Emperor ſuſpect that he had incourag'd his Son *Henry* this Year 1234, to riſe in Rebellion; and *Bernardino Corio*, follow'd by the modern Writers, aſſerts it for a Truth, and ſays, That *Henry* the eldeſt Son of *Frederick*, by *Conſtantia* of *Aragon*, who, while a Child, had been created King of the *Romans* by his Father, and afterwards married to *Agnes* of *Auſtria*, Daughter of Duke *Leopold*, by the Means of *Gregory*, enter'd into a League with the People of the *Milaneſe*, and the other confederate Cities of *Lombardy*, againſt his Father, and that the People of the *Milaneſe* had promis'd to crown *Henry* with the Iron Crown, as ſoon as he ſhould arrive in *Italy*.

SIGONIUS and *Riccardo da S. Germano*[1], relate the Matter otherwiſe, and ſay, That *Henry*'s Rebellion did not begin in *Italy*, but in *Germany*, where, with ſome Barons, he conſpir'd againſt the Emperor, and partly by Affection, partly by Force, brought over many Cities of that Country to his Intereſt; whereupon thoſe of the *Milaneſe*, and the Confederate Cities of *Lombardy*, willing to catch at ſo favourable an Opportunity, ſent to offer him the Iron Crown (which they had deny'd to his Father) and a good Body of Troops, and Store of Arms, if he would come in Perſon and make War in *Italy*.

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[1] Ric. ad ann. 1234. Hoc anno, quod Henricus Rex contra Imperatorem patrem ſuum Seditionem in Almannia fecerit, fama fuit.

CAMPO, in the Hiſtory of *Cremona*, adds, that the Marſhal *Anſelm*, and *Valcherius Tanvembrus*, Archdeacon of *Wurtzburg*, came to *Italy* in the Name of *Henry*, as King of the *Romans*, to receive the Oath of Fealty; and that when they came to *Milan* on the 19th of *December*, they call'd an Aſſembly, wherein the Deputies of the *Milaneſe*, thoſe of *Breſcia*, *Bologna*, *Lodi*, *Novara*, and the Marquis of *Monſerate*, met and entered into a League againſt *Frederick*, *Cremona*, *Padua*, and the other Cities that ſided with him; and took an Oath to *Henry* King of the *Romans*, and agreed to be moſt Faithful to him. But neither *Sigonius*, nor *Campo* aſſign any Reaſon for this Quarrel betwixt *Henry* and the Emperor; but theſe being modern Authors, we muſt look for the Truth in more antient Writers. *Riccardo da S. Germano*, in relating this Rebellion of *Henry*, gives us as little Account of the Cauſe of it as the reſt; however we have it recorded in the Chronicle of the Monaſtery of S. *Juſtina* of *Padua*, written by a Monk of that Monaſtery, who lived in *Frederick*'s Time, and wrote his Exploits, and the Tranſactions of *Italy* to the Year 1270. with great Judgment; which Chronicle is preſerved in the ſaid Monaſtery, and is printed in the Hiſtorical Volume, intitled *Rerum Germanicarum*. 'Tis ſaid in this Chronicle, that the Cauſe of *Henry*'s Rebellion againſt his Father, was Folly and a pettiſh Envy, becauſe *Frederick* lov'd his ſecond Son *Conrade*, whom he had by *Jole*, more than him; and indeed, we find in *Riccardo*, and other Authors, that *Frederick* lov'd *Conrade* dearly, and had a greater Regard for him than all his other Children [1].

IN the Beginning of the Year 1235. *Frederick* hearing of his Son's Rebellion, and that he was reſolv'd to make War againſt him in *Italy*, march'd towards *Germany*, and upon the Borders thereof, was join'd by ſome *German* Lords, where having aſſembled a ſufficient Army, he began a War with his Son, who was follow'd by many Barons and Cities; but *Henry*, being afterwards deſerted by them, and in a manner left alone, went to his Father's Camp, and burſting forth in Tears, threw himſelf at his Feet, and begg'd Pardon. *Frederick* receiv'd him, but by his by-paſt Behaviour being ſenſible of his unruly Temper, he carried him with him Priſoner to *Worms* [2]; and whether he had actually attempted, or that it was only alledg'd, that he had deſign'd to poiſon his Father, he was put in cloſe Priſon, and committed to the Charge of the Duke of *Bavaria*; and afterwards *Frederick*, reſolving to remove him out of *Germany*, deliver'd him to the Marquis *Lancia* of *Lombardy*, with Orders to conduct him to *Puglia*, which he did, and impriſon'd him in the Caſtle of S. *Felice* [3], whoſe unhappy Death we ſhall relate in its Place.

AFTER the Emperor had thus ſuppreſs'd this Rebellion, he married *Iſabella* Daughter of the King of *England*, and the Marriage was with great Pomp ſolemniz'd in *Worms* on the 13th of *Auguſt*, preciſely ſeven Years after the Death of *Jole*. *Joannes Cuſpinianus*, a *German* Author of good Account, in his Book *De Cæſaribus, atque Imperatoribus Romanorum*, ſays, that *Frederick* had ſix lawful Wives, and places betwixt *Jole* and this *Iſabella*, *Agnes* Daughter of *Otho* Duke of *Moravia*, who being divorc'd by him, was married to *Uldarick* Duke of *Carinthia*; the other two were *Rutina* Daughter of *Otho* Count of *Wolherſhauſen* in *Bavaria*, and *Iſabella* Daughter of *Lewis* Duke of *Bavaria*, and that he had no Children by any of the three laſt.

BUT be that as it will, *Frederick* after his Marriage, laid a general Tax on the Kingdom, and having got *Conrade* his ſecond Son, to be created and crown'd King of the *Romans* in *Cologn*, in Place of the depos'd *Henry*, and left the Empreſs in *Germany*, he went with *Conrade* to *Italy*, and viſited the Pope in *Rieti*, where, in his own Preſence, he made his Son ſwear to be faithful to the Pope, and obedient to the Holy Church; and then was very earneſt with the Pope to aſſiſt him againſt his rebellious *Lombards*, with whom he was going to enter into a War: *Gregory*, who was unwilling to have them ſubdued, diſſuaded him, giving him great Hopes that he would make up all their Differences, and that they ſhould return to their Allegiance; and eight of the ten Years Truce, which *Frederick* had concluded with the Soldan, being now paſs'd, *Gregory*, in order divert *Frederick* from the War with the *Lombards*, reſolv'd to renew that againſt the Soldan; for which end he ordered, that, at the Expiration of the two Years, every Body ſhould be ready to take on the Croſs for that holy Expedition, and wrote particular Letters dated the 9th of *September*, to all the Princes and Cities of *Chriſtendom*, to acquaint them with this intended new Expedition. But, according to *Sigonius*, *Frederick*, after a ſhort ſtay in our Kingdom, intent upon the War of *Lombardy*, return'd to his Army in *Germany*, in order to march with it into *Lombardy*. *Riccardo da S. Germano*, without mentioning the Emperor's Progreſs to *Rieti*, ſays, that this Year 1236. *Frederick* left his Son and Wife in *Germany*, with a good Army paſs'd the *Alps*, and came to *Verona*, which is likewiſe true; but *Riccardo*'s Purpoſe being to give a particular Detail of *Frederick*'s Tranſactions in our Kingdom, he touches upon Foreign Affairs by the by only; ſo that for theſe we muſt follow *Sigonius*[1], who collected them from the moſt antient Authors, and eſpecially from *Pietro Girardo* of *Padua*, an Eye-witneſs, in the Life of *Ezelino*.

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[1] Chron. Monaſt. S. Juſtin. Eodem anno ad petitionem Regis Henrici filii Federici Imperatoris, Mediolanenſes, & alii odientes Imperium, Legatos in Alemanniam direxerunt, & cum eo contra Imperatorem Societatem firmiſſimam ſtatuerunt; concepit enim Rex dolorem, & peperit iniquitatem contra proprium Genitorem, ideo quod videbatur quod Imperator plus eo puerum Conradum deligeret, & faveret.

[2] Sigon. de Reg. Ital. lib. 17. in fine.

[3] Ric. S. Germ.

SIGONIUS then ſays, that *Frederick* being exceedingly vex'd at the obſtinate Rebellion of the greateſt Part of *Italy*, wrote from *Germany* to the Pope, that he was no longer able to bear the outragious Behaviour of the *Lombards* towards him; therefore he begg'd him, that he would either fall upon Means to put an End to their Sedition, by an honourable Peace with the Empire, or aſſiſt him againſt them, and eſpecially the People of the *Milaneſe*, the Authors of all the Miſchiefs, and Favourers of the Hereticks, and other licentious People; it being very reaſonable, that he ſhould make a ſuitable Return to what he had ſo often done for the Church againſt the *Romans*, thoſe of *Viterbo*, and her other Rebels, who by his Means were reduc'd to her Obedience. But *Gregory*, whoſe Ends were quite different from thoſe of *Frederick*, upon the Receipt of the Letter, anſwered him, That he ought not to think of making War in *Italy*, but rather prepare himſelf for the War of the Holy Land, and inform him with what he had to lay to the Charge of the *Lombards*, that he might get him full Satisfaction; and ſoon after ſent him the ſame Meſſage by *Giacomo Pecoraro* of *Pavia*, Cardinal of *Preneſte*. *Frederick*, highly incens'd at this Anſwer, and plainly diſcovering the Pope's Deſigns, ſent him a ſmart Letter recorded by *Sigonius*[2], which begins *Italia, hæreditas eſt mea*, &c. and not minding the Pope's Anſwer, he ſent another ſuch Letter to a Prince his Friend, adding, that the following Summer he would go to *Italy*, and on the Feaſt of S. *James* hold a General Court in *Parma*, and be reveng'd of all the by-paſt Injuries. And accordingly he was as good as his Word, for at the Time appointed, with a powerful Army of *Germans*, *Neapolitans*, *Sicilians*, and *Saracens* of *Puglia*, he march'd to *Conſtance*, where he was met by *Ezelino*, who ſpurr'd him on to the War; and after the People of the *Milaneſe* had in vain endeavour'd to hinder him, he paſs'd the *Alps*, and march'd to *Trent*, and from thence to *Verona*[3]. He afterwards march'd into the Territories of *Mantua*, where he was join'd by the People of the *Cremoneſe*, *Modeneſe*, and others of his faithful Subjects, and march'd to the Borders of the *Breſcians*; and after he had plunder'd and burnt all their Country, in the Month of *Auguſt* he march'd to *Cremona*, and from thence to *Parma*, where he called a Meeting of all the Princes and Cities in Friendſhip with him; and finding that his Enemies were firmly reſolv'd to keep up their Confederacy, it was reſolv'd in this Aſſembly to carry on a vigorous War againſt them. *Vicenza* was taken, ſack'd and burnt, and a great many of the Citizens kill'd and ruin'd: Having laid waſte the Country round *Padua*, he beſieg'd *Trivigi*, but being gallantly defended by *Pietro Tiopolo* the Governor, it could not be taken; and *Salinguerra* Lord of *Ferrara*, *Ezelino*'s Brother-in-Law, left the *Lombards*, and return'd to his Allegiance.

MEAN while the Emperor had Advice, that in *Germany*, *Frederick*, ſurnam'd the *Warlike*, Duke of *Auſtria*, had riſen in Rebellion, whereupon, to prevent the Miſchiefs it might occaſion, he left a competent Army in *Italy*, and immediately return'd to *Germany*, where, according to *Joannes Cuſpinianus* in his *Auſtria*, after a ſhort War, with the Aſſiſtance of *Otho* Duke of *Bavaria*, the Biſhop of *Bamberg*, and many other *German* Prelates and Barons, he took *Vienna*, and all the conſiderable Places belonging to the Duke of *Auſtria*; and *Conrade* the Emperor's Son, ſailing down the *Danube* with a noble Retinue, join'd his Father, and remain'd with him three Months in *Vienna*; and ſeeing, that the rebellious Duke had Poſſeſſion only of a few Places of his Dominions, he made *Vienna* an Imperial City, and gave it a Golden Eagle crown'd in a Field Sable for its Arms, which it keeps to this Day. Afterwards he held a general Dyet in *Ratisbon*; and Duke *Frederick*, after alternate Succeſs, in proceſs of Time having recovered his Dominions, with Two hundred well-armed Knights, came to *Verona*, and threw himſelf at the Emperor's Feet, and was not only kindly received, and his Rebellion pardon'd, but was adorn'd with new Dignities, as may be ſeen in the ſpecial Grant recorded by *Cuſpinianus*.

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[1] Sigon. de Reg. Italiæ, lib. 18.

[2] Idem, loc. cit. lib. 18. anno 1236.

[3] Ric. S. Germ.

IN the mean Time *Ezelino* with *Frederick*'s other Generals took *Pavia* and *Trivigi*, with ſome other Places in *Lombardy* and *Marca*, and made moſt cruel Slaughter in all the Places that were Enemies to the Emperor, and likewiſe drove *Giordano* Prior of S. *Benedict*, and *Arnaldo* Abbot of *S. Juſtina* from their Churches.

THESE Victories of *Frederick* much diſpleaſed the Pope, who ſeeing the Forces of the Confederates daily dwindling away; and, on the contrary, the Emperor, lifted up with the Victory he had obtained over the Duke of *Auſtria*; he reſolved to put a Stop to the Career of ſo many Victories, by propoſing a Treaty of Peace; and for that End he ſent *Gregorio da Montelongo* the Protonotary, to tell *Frederick*, that if he had any Regard for the Peace of the Church, and his Favour, he would receive the Submiſſion of the *Lombards*, on the ſame Condition that his Grandfather *Frederick*, and his Father *Henry* had granted them by the Peace made at *Conſtance*, and that at his Deſire he ought to remit ſomething of his Right. But *Frederick*, full of Indignation, ſeeing, that when he might rather have expected Aſſiſtance from the Pope upon his Return to *Italy* againſt the People of the *Milaneſe*, now he was interceding in their Favour, notwithſtanding they were not only Enemies to him, but to the very Church, being for the moſt Part polluted with various Hereſies, would not ſo much as hear the Propoſals of his Meſſenger; whereupon *Gregory*, after he had quieted the Tumults and Commotions rais'd in *Rome* againſt him by the Means of *Pietro Frangipane*, in order to be the better able to mind the Defence of *Lombardy*, took off the Mask, and declared himſelf *Frederick*'s open Enemy; and though once more a Treaty was brought upon the Carpet, and on the Part of the Emperor was to be managed by the Great Maſter of the *Teutonick* Order, and *Pietro delle Vigne*, and on the Part of the Pope, by Cardinal *Rinaldo de Conti*, *Gregory*'s Nephew, and Cardinal *Tommaſo di Capua*; yet it was to no purpoſe, for both Parties were ſo elated and haughty, that not only nothing was concluded, but ſhortly after began that famous and cruel War, wherein happened that remarkable Battle of *Cortenuovo*, to the total Ruin of the People of the *Milaneſe*, and the confederated Cities, deſcribed by many Authors[1], and therefore we willingly paſs it over: *Frederick* having gain'd a compleat Victory, was more proud of having made Priſoner *Pietro Tiepolo* the Son of *Giacomo* Doge of *Venice* his bitter Enemy, Chief Magiſtrate and Governor of *Milan*, than of any Thing that had happened; and after the Manner of the antient *Romans*, he made a Triumphal Entry into *Cremona*, in a Chariot taken from the *Milaneſe*, wherein conſiſted the Glory of Victory in theſe Times, and he ordered *Tiopolo* to be tied to a Poſt, with a Rope about his Neck, and ſhortly after to be hang'd.

AS this Victory gain'd *Frederick* great Reputation, ſo it ſtruck ſuch Terror into all *Lombardy*, that, except *Milan* and *Bologna*, all the reſt of the Cities ſubmitted to him, and the Students of the Univerſity of *Bologna*, who, contrary to the Emperor's Orders, had ſtaid there, becauſe the Univerſity of *Naples*, to which they had been commanded to go, was in a bad Condition by reaſon of the frequent Wars, were terribly afraid.

WHILE the Emperor was in *Lodi*, there came to him from *Naples* a noble Embaſſy, to beg of him in the Name of the Body of the People, and of the Maſters and Students, to cauſe their Univerſity to be reform'd, and put upon a better

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[1] Ric. S. Germ. *The Chronicle of* Fr. *of* S. Juſtina. Pietro delle Vigne'*s Letters*, fol. 304 & 307 Sigon. de Reg. Ital. lib. 18.

Footing; with which Requeſt of the Ambaſſadors he moſt willingly complied, and gave Orders to his Miniſters to put it in Execution, and at the ſame Time forbad Students from the Countries of the *Milaneſe*, *Breſcia*, *Piacenza*, *Aleſſandria*, *Bologna*, and *Trivigi*, Enemies to him and the Empire, to be received into the Univerſity, and ordered only thoſe of *Tuſcany*, *Marca*, the Dukedom of *Spoleto*, and *Campagna di Roma*, who were all Partiſans of his Son *Eutius* King of *Sardinia*, whom he had made Vicar of *Italy*, to be admitted, as may be ſeen in ſome Writs of *Frederick*'s Regiſter, which is the only one of that Emperor preſerved in the Royal Archives; for all the Records of the *Suevian* Princes that were in *Naples*, were carried away and deſtroyed by the Victorious *French* in the Time of *Charles* I. and none left but this intire Regiſter of *Frederick* of the Year 1239. wherein the City of *Naples* is cry'd up, and the Franchiſes of the Students, and particular Directions how they were to perform their Exerciſes, are ſet down.

HE likewiſe ordered the ſaid Reform of the Univerſity by a particular Letter directed to the Governor of the Kingdom of *Sicily*, recorded by *Pietro delle Vigne*[1]; and having alſo ordered all other publick Schools in *Naples* and *Sicily* to be put down, he wrote afterwards to the Juſtice of *Terra di Lavoro*, that notwithſtanding the ſaid Order he was not to moleſt thoſe who taught *Grammar*, becauſe it was proper for the firſt Inſtruction of Children.

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POPE *Gregory* was grievouſly vexed at theſe Deſigns of *Frederick*, and afraid that with his Power he might overturn the Dominions of the Church; ſo that there being none in *Italy* to whom he could have recourſe, he reſolv'd to beg Aſſiſtance from foreign Princes; therefore he ſent Ambaſſadors to *James* King of *Arragon*, called the *Conqueror*, a Prince much eſteemed in theſe Times, on account of his noble and gallant Exploits in driving the Moors out of many Kingdoms of *Spain*, to invite him in the Name of himſelf and the confederated Cities, to come and make War againſt *Frederick*, promiſing to make him Lord of *Lombardy*, and pay him all the Revenues and Honours that were wont to be paid to the Emperors. King *James* was then at the Siege of *Valencia*, held out by the Moors, and being offended with *Frederick*, becauſe he had impriſon'd his Son *Henry*, who, by his Mother *Conſtantia*, was his Couſin-German, conſented to the Pope's Propoſal, and promiſed to aſſiſt him with Two thouſand Horſe, and made other Conditions recorded by *Hieronymus Zurita*; but whatever might be the Occaſion, King *James* never came to *Italy*, but indeed his Son King *Peter* came, though much againſt the Inclinations of the ſucceeding Popes; and by Virtue of the Rights of the Houſe of *Suevia*, which his Wife *Conſtantia* brought him, he bravely ſubjected *Sicily* to his Dominion, as ſhall hereafter be related.

IN the mean time *Frederick* having raiſed a great Army in *Germany*, gave the Command of it to his Son *Conrade*, with Orders to follow him to *Verona*; and he himſelf advanced, and without Oppoſition ſubdu'd *Vercelli*, *Turin*, and all the other neighbouring Cities and Places; and in the Month of *July* following, King *Conrade* paſs'd the *Alps*, and with many *German* Prelates and Lords, and a numerous Army came to *Verona*, where his Father was waiting for him, and from thence they march'd to *Cremona*, and then to *Padua*, where the Emperor held a General Meeting. The People of the *Milaneſe* terrified at ſo great Preparations, and having but few Troops, begg'd of the Pope to intercede for them with the Emperor, and ſent Ambaſſadors humbly to aſk Peace of him, offering to ſend Ten thouſand Soldiers for the Relief of the Holy Land, provided their City might enjoy the ſame Freedom it then poſſeſs'd. *Frederick* ſcorning their Offer, anſwer'd them, that if they would deliver up themſelves and their City without any Condition, to his Will and Pleaſure, he would accept of them; but they, afraid of *Frederick*'s Cruelty, reſolv'd rather to die under Arms in the Field like brave Soldiers, than be burnt, or ſtarv'd in Priſon, or hang'd; whereupon being obſtinately bent on defending themſelves, they ſtrengthen'd the Walls and Ditches of their City, and provided it with Soldiers and Arms, and took Aſſiſtance where-ever they could find it. *Frederick* having put an End to the Aſſembly, divided his Army into two Bodies, and with one he beſieged *Breſcia*, and ſent the other againſt *Aleſſandria*, and with continual Attacks haraſs'd theſe two Cities, and laid waſte their Territories; but falling ſhort of Money for carrying on ſo cruel a War, by the Advice of his Miniſters he laid a Tax upon the Goods of the Churches and Eccleſiaſticks, at which *Gregory* being offended, ſent him Word while he was at this Siege, not to meddle with the Privileges of the Church; whereupon *Frederick*, in order to pacify him, and defend himſelf againſt theſe Accuſations, thought fit to ſend the Archbiſhop of *Palermo*, the Biſhop of *Reggio*, *Taddeo da Seſſa*, and *Ruggiero Porcaprello*, his Ambaſſadors to the Pope, then in *Alagna*, where they found him exceedingly inrag'd; upon which they ſent back the Archbiſhop of *Palermo* to acquaint the Emperor with the Pope's Pleaſure, who, notwithſtanding the ſo many Revolts in *Italy*, which oblig'd *Frederick* not to leave it, ſtill inſiſted upon the Expedition to the Holy Land, and invited many Princes to go thither; on the contrary, *Frederick*, intent on the Affairs of *Italy*, would not be concern'd in that Expedition; but the Time of the Truce being expir'd, he renew'd it for other ten Years, and forbid *Rinaldus* of *Bavaria*, his Vicar in that Kingdom, upon any account to make War againſt the *Saracens*. Notwithſtanding this Truce, *Gregory* perſiſted in his Reſolution, for he ſent many Monks to diverſe Countries of *Chriſtendom*, to exhort the People to take on the Croſs, and go to *Paleſtine*, whereupon a great Number of the Faithful, both *Germans*, *Italians*, and *French* aſſembled; but this Expedition was very unfortunate, for, though *Frederick* had given free Paſſage through his Dominions, yet there not being a Fleet, nor a ſufficient Number of Tranſports for ſo great a Body of Men, the greateſt Part ſet out to go over Land, and died of Fatigue and want of Neceſſaries.

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[1] Sigon. de Reg. Ital. lib. 18.

Germany, to publiſh in their Churches the Excommunication, and abſolv'd his Vaſſals from their Oaths of Fealty, and interdicted all thoſe that obeyed him. And *Mathew Paris* writes [1], that after *Gregory* had abſolved the Emperor's Subjects from their Allegiance, he wrote to *Robert* Brother of *Lewis* King of *France*, offering him the Empire, and that the King of *France* upon this Offer call'd a Council of all the Princes of *France*, to conſult what was fit to be done, and all of them in publick Aſſembly condemn'd the arrogant Conduct of the Pope, in theſe Terms: *Quo Spiritu, vel auſu temerario Papa tantum Principem, quo non eſt major inter Chriſtianos, non convictum, & confeſſum de objectis ſibi criminibus exheredavit, & ab Imperiali apice præcipitavit? Scimus quod Domino Jeſu Chriſto fideliter militavit in oriente, & bellicis ſe periculis, confidenter opponens, tantum religionis in Papa non invenimus. Imo qui eum debuit promoviſſe, & Deo militantem protexiſſe, eum conatus eſt abſentem confundere, & nequiter ſupplantare. Nolumus noſmetipſos in tanta pericula præcipitare, ut ipſum Federicum tam potentem impugnemus, quem tot Regna contra juvabunt, & cauſa juſta præſtabit adminiculum. Quid ad Romanos de prodiga ſanguinis noſtri effuſione, dummodo iræ ſuæ ſatisfacerimus, ſi enim per nos, & alios devicerit omnes Principes Mundi, conculcabit ſumens cornua jactanitæ, & ſuperbiam, quoniam ipſum Federicum Imperatorem Magnum contriverit.*

WHILE *Frederick* with great Solemnity was celebrating *Eaſter* in *Padua*, on the *Monday* of that Feaſt, News was brought him, that on *Holy Thurſday* the Pope had publickly excommunicated him; and though he was inwardly vex'd, yet he ſeemed no-ways concerned; and looking upon the Cenſure as unjuſt, he immediately called an Aſſembly of the moſt eminent Citizens of *Padua*, and *Italian* and *German* Lords in the Town-Houſe, and, according to *Peter Gerard*, *Pietro delle Vigne* his High Chancellor made a long Oration in his Defence, complaining of *Gregory*, and beginning his Diſcourſe with this Sentence: *Leniter ex merito quid quid patiere ferendum eſt: Quæ venit indigne pœna, dolenda venit*; ſaying, that *Frederick* who governed his Dominions ſo uprightly, was heinouſly injur'd by the Pope, and was not to be reckon'd without the Pale of the Church, ſeeing he was ſo unjuſtly excommunicated, and like a good Chriſtian, was ready to ſubmit himſelf to the Holy Apoſtolical See, in all Things which Divine Juſtice required, but not to the Caprice of a Man [2]. Therefore the Emperor, without minding the Excommunication, left *Padua*, and with a noble Company of Barons went to *Trivigi*, where he was honourably received, and wrote Letters to the Cardinals and *Romans*, checking them for having conſented to the unjuſt Excommunication. He likewiſe wrote to all Chriſtian Princes, clearing himſelf from the Aſperſions caſt upon him by the Pope, and charging both him and his Cardinals with enormous Crimes; which Letters are to be ſeen in the Books of *Pietro delle Vigne*, wherein he ſhews how unjuſtly he had been abus'd by the Pope. Then he return'd to *Padua*, and labour'd with all his Might to make the moſt conſiderable Lords of *Italy* his Friends, in order to make Head againſt the Pope, and bent all his Thoughts on the War of *Italy*.

THE Pope, after this Excommunication, by the Means of Monks and Friars, did all he could to imbroil the Kingdom; but *Frederick*, though ingag'd in the War of *Lombardy*, prevented him, by turning all the Monks out of the Monaſtery of *Monte Caſſino*, leaving only eight to perform the Divine Offices over the Body of S. *Benedict*, and ſending a Guard of Soldiers to keep the Monaſtery; and having made a ſtrong Garriſon of it, he took out the old Treaſure, and the ſacred Veſſels of Gold and Silver, which for many Years, by the provident Care of the Monks, and the Munificence of former Kings, Lords and Barons of the Kingdom, had been amaſs'd. He likewiſe took *Pontecorvo*, and the Caſtle *Imola* from theſe Fathers. He alſo commanded all the Natives of the Kingdom, then at the Court of *Rome*, to leave it, except thoſe in the Service of Cardinal *Tommaſo*, and *Giovanni di Capua* his Vaſſals. He baniſh'd the Biſhops of *Aquino*, *Carniola*, *Teano*, and *Venafro* from their Churches and the Kingdom. He levied a Subſidy upon all Cathedral Churches, the Monaſtery of *Caſſino*, and all their Vaſſals, and ordered *Ruggier di Landolfo*, and *Giacomo Gazzolo* to be Collectors for the Diſtrict of *Terra di Lavoro*, and to levy the Half of their Incomes, with part of which the Soldiers that guarded *Monte Caſſino* and *Pontecorvo* were to be maintain'd.

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[1] Matth. Paris, in Henric. III.

[2] Sigon. loc. cit.

AND at the ſame Time he ordered the underwritten Articles to be publiſh'd over all the Kingdom, and to be inviolably obſerved, and they are recorded by *Riccardo* [1].

FIRST, That all the Friars of S. *Dominick*, and the Friars Minors of S. *Francis*, Natives of the rebellious Cities and Territories of *Lombardy*, ſhall immediately depart his Dominions; and all the other Religious ſhall give Security to do nothing contrary to his Intereſt. II. That all Barons and Knights, that heretofore have ſided with the Pope, and eſpecially thoſe whoſe Baronies are ſituated on the Confines of *Abruzzo* and *Campagna*, ſhall go with Horſe and Arms to ſerve in the Army in *Lombardy* at their own Charges, and thoſe who have not wherewithal, ſhall receive Pay. III. That there ſhall be levied for his Uſe upon Cathedral Churches, a Subſidy according to their Riches, and likewiſe upon the Canons, Prieſts, and other Clergy of theſe Dioceſes, according to their Ability; and the ſame ſhall be levied upon the Abbots, white and black Friars. IV. That all thoſe, who are at the Court of *Rome*, excepting thoſe who are exempted, and all ſuſpected Perſons, ſhall immediately return to the Kingdom, otherwiſe their Goods ſhall be confiſcated; and after being ſummoned, if they don't obey, they ſhall never be ſuffered to return. V. That the Goods and Benefices of ſuch Clergy, as are not Natives of the Kingdom, ſhall be all confiſcated. VI. That none ſhall go out of the Kingdom to *Rome*, nor return to it from *Rome*, without a Licence from the Juſtices of the Provinces of *Abruzzo* and *Terra di Lavoro*. VII. Spies ſhall be appointed, to ſearch both Men and Women coming into the Kingdom, for Letters from the Pope againſt him, and if any ſhall be found, the Bearers, whether of the Clergy or Laity, ſhall ſuffer Death.

FREDERICK, though now at odds with the Pope, ſent the Biſhops of S. *Agata* and *Calvi* to *Rome*, in order to treat with the Cardinals about an Accommodation; but as ſoon as *Gregory* underſtood that they were come to *Rome*, he ordered them to be gone, and they return'd without doing any Thing [2].

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[1] Ric. ad anno 1239.

[2] Idem, anno 1239.

CHAP. II.

An open War breaks out betwixt Frederick *and Pope* Gregory, *who, after he had been every way worſted by the Emperor, dies of Grief.*

BOTH Parties being now ſufficiently exaſperated, the Pope cauſes *Ravenna* to revolt from the Emperor to the *Venetians*. *Frederick* recalls into *Italy* his Son *Eutius*, who, with a good Body of *Puglian*, *German*, *Sicilian*, and *Saracen* Troops coming from *Sardinia*, invades *Marca d'Ancona*, and begins the War againſt the Pope. *Gregory* ſent Cardinal *Giovanni Colonna* his Legate to defend that Country, and in the Month of *November* 1239. confirm'd the Cenſures againſt *Frederick*, and excommunicated King *Eutius*, with all his Followers, for having entered *Marca* in a hoſtile Manner, *Quam juris eſſe dicebat Eccleſiæ*, according to *Riccardo*.

THE Pope ſollicited the *Venetians*, who had already diſcover'd themſelves to be Enemies to *Frederick*, to make War upon him, and they with their Fleet invaded *Puglia*, whereupon *Frederick* hearing that ſome of his Barons of *Puglia*, to favour this Invaſion, had rebell'd, reſolv'd to go thither; therefore having put good Garriſons into the

the moſt conſiderable Cities of *Lombardy*, he paſs'd the *Appennines*, and arriv'd at *Lucca*, and from thence he march'd to *Piſa*, where he ſtopp'd ſome Days, and ingag'd the *Piſans* to make War upon the *Genoeſe*, and got many of the People of *Tuſcany* to join him. At the ſame Time *Elias* the Monk, a Diſciple of S. *Francis* of *Aſſiſi*, offended with the Pope, becauſe he had ſhewn himſelf more favourable to ſome of his Order, whom he hated, than to him, likewiſe ſided with *Frederick*, and became one of his Abettors; whence we ſee ſome of the Emperor's Letters written in his Favour, and particularly one to the King of *Cyprus*, wherein he highly commends him, and ſhews that he had a great Regard for him.

BERNARDINO COIRO relates, that before *Frederick* left *Lombardy*, *Pietro delle Vigne*, *Andrea di Cicala*, *Pandolfo della Faſanella*, and *Jacopo di Morra*, with many more of his chief Barons, influenc'd by the *Milaneſe*, conſpired to murder him in the midſt of his own Army; and that the Emperor being appriz'd of their Treaſon, caus'd *Pietro*'s Eyes to be put out, and the reſt to be put to different Sorts of cruel Death: But *Coiro* is groſly miſtaken in this Story, which, perhaps, he has taken from ſome Author, who unadviſedly has written it before him, for we read of no ſuch Fact, either in *Riccardo da S. Germano*, or in any Writer of theſe Times; on the contrary, *Andrea di Cicala*, after the Death of *Errico di Morra*, was made Lord Chief Juſtice, and for a long Time ſerv'd *Frederick* very faithfully; and the Rebellion of the *S. Severini*, *Teobaldo Franceſco*, *Faſanella*, and the other Barons, with the Ruin of *Pietro delle Vigne*, happen'd in *Puglia* a conſiderable Time after, and upon another Account than what *Coiro* tells, as we ſhall ſhew hereafter.

AFTER *Frederick* had made his Son *Eutius* his Lieutenant in *Italy*, and ſent him with a good Body of Troops to take Poſſeſſion of *Marca d'Ancona*, he himſelf with the reſt of the Army on another Side enter'd the Dukedom of *Spoleto*, and other Parts of the Patrimony of the Church; and in the Beginning of this Year 1240. *Fulgino*, *Viterbo*, *Orta*, *Civita Caſtellana*, *Corneto*, *Sutri*, *Monteſiaſcone*, and *Toſcanella*, with many other Caſtles ſurrender'd to him; which ſo terrified the Pope, that he had recourſe to Prayers; and having taken out the Heads of S. *Peter* and S. *Paul*, with the Wood of our Saviour's Croſs, accompanied by all the Clergy, and almoſt all the People of *Rome*, he carried them in Proceſſion from S. *John Lateran* to S. *Peter*'s Church, where he made a long Speech upon the Miſeries, which the Church of God, as he ſaid, ſuffered by *Frederick*, and publiſh'd a Cruſade againſt him, as a cruel Enemy to God and his Miniſters, and with his Diſcourſe animated many of his Hearers to put on the Croſs. And after he had aſſembled a conſiderable Army of them and his other Soldiers, they march'd out to fight the Emperor, and had frequent Skirmiſhes with him, which ſo exaſperated *Frederick*, that as many of the *Croceſignati* as he took Priſoners, he either cauſed their Heads to be cloven in four Pieces, or with a red hot Iron branded them on the Forehead with the Sign of the Croſs; and after he had caus'd the Territories of *Rome* to be pillag'd and burnt, he march'd into *Puglia*, whither a little before he had ſent the Empreſs his Wife, accompanied by the Archbiſhop of *Palermo*, and did all he could to drive the *Venetians* from that Coaſt, which they had been ſcowring with Twenty-five Gallies, and had pillag'd *Termoli*, *Campomarino*, *Veſti*, *Rodi*, and other Caſtles; and had met near *Brindiſi*, a Tranſport returning from *Paleſtine* with *German* Soldiers, which, after an obſtinate Fight, becauſe they defended themſelves reſolutely, the *Venetians* burnt and ſunk. *Frederick* not able to remedy theſe Loſſes, out of Revenge caus'd *Pietro Tiepolo*, their Doge's Son, to be hang'd in their Sight, on a Tower in *Trani* near the Sea-ſhore; and after the *Venetians* had haraſs'd the Coaſt till the Month of *October*, loaded with Booty, without any Oppoſition they return'd to *Venice*.

AT the ſame time Pope *Gregory*, by the Advice of the Cardinals, reſolv'd to call a general Council to be held in the *Lateran* the *Eaſter* following, to remedy the bad State of the Affairs of the Church, and relieve *Paleſtine*, and for that end ſent *Giacomo Pecoraro di Pavia* Cardinal of *Preneſte*, and *Ottone Bianco* his Legates, to *Spain*, *France*, *England* and *Scotland*, to invite the Biſhops and Prelates of theſe Kingdoms to come to the Council, in order to defend the Rights of the Church againſt the Emperor, giving them an account of the Wars and Perſecutions ſhe daily ſuffer'd. As ſoon as *Frederick* was appris'd of this, he left no Stone unturn'd to hinder the Ultramountain Prelates from coming to the Council, and for that Purpoſe he wrote to the King of *England*, by no means to ſuffer his Biſhops to leave the

Kingdom, and threatned the *German* and *French* Prelates, if they ſhould venture to come; and in order to be as good as his Word, he ſent his Son *Eutius* with a powerful Army to the Coaſt of *Genoa*, to prevent their coming, and to make all of them Priſoners that ſhould fall into his Hands, and to haraſs the Territories of *Genoa* to the utmoſt of his Power, becauſe that State ſided with the Pope. *Frederick* was at this Time in a moſt flouriſhing Condition, both as to Men and Money, having Five great Armies in his Pay; for, beſides that which was beſieging *Faenza*, and the other in the *Genoeſe*, he had a Third in *Marca d'Ancona*, and the Valley of *Spoleto*, whereof, as may be ſeen in *Pietro delle Vigne*'s Letters, *Marino d'Evoli* was Captain General. The Fourth was in *Paleſtine*, under *Rodolphus* his Marſhal, and the Fifth in *Germany*, commanded by his Son *Conrade*, deſign'd for the Aſſiſtance of *Bela* King of *Hungary*, againſt the *Tartars*, who, a little before, had come out of the remoteſt Parts of *Scythia*, and like a Deluge, had over-run, and conquer'd the greateſt Part of *Aſia*; and being Victorious and Powerful, they had divided themſelves into ſeveral Armies, one of which having come into *Europe*, had defeated the *Poles*, *Ruſſians* and *Bulgarians*; ſo that King *Bela*'s ſeeking Aſſiſtance from *Frederick*, not only oblig'd him to order his Son *Conrade* to aſſemble a ſtrong Army of *Germans* for aſſiſting that King to drive the *Tartars* from the Borders of *Germany*; but likewiſe made him write to the Senators of *Rome*, complaining, that the Differences betwixt him and *Gregory* diverted him from going in Perſon upon ſo important an Expedition, begging of them to uſe their Intereſt for a Reconciliation, as may be plainly ſeen in the firſt Book of *Pietro delle Vigne*'s Letters.

IN the mean time, in the beginning of the Year 1241, *Frederick*, in order to deprive the Pope of all poſſible Means of fomenting Rebellion by the Monks, order'd all the *Cordeliers* and *Dominicans* to be baniſh'd the Kingdom, leaving only Two of each Order, Natives thereof, in the Monaſteries, and immediately laid Siege to *Benevento*, as *Riccardo* writes, which being gallantly defended for Nine Months, at laſt, reduc'd to Famine, ſurrender'd, and by Order of the Emperor, the Walls and Towers were levell'd with the Ground, and the Citizens diſarm'd.

AT the ſame Time *Gio. Colonna* Cardinal of St. *Praſſede*, *Gregory*'s Legate in *Marca*, being diſoblig'd by him, went over to *Frederick*, and deliver'd up to him a good Number of Caſtles in the Neighbourhood of *Rome*. During the Siege of *Faenza*, the Cardinals return'd from beyond the Mountains, and brought with them from *England* and *Scotland*, a great Number of Archbiſhops, Biſhops and other Prelates to *Genoa*, on their Way to the Council, and they found in that City *Gregorio di Romagio*, likewiſe the Pope's Legate, ſent thither about the ſame Affair of the Council. Theſe Prelates, afraid to go to *Rome* by Land, becauſe of *Frederick*'s Menaces, reſolv'd to take Shipping in the *Genoeſe* Gallies, cammanded by *Guglielmo Ubriachi* their Admiral, notwithſtanding *Frederick* had invited them to come to him, becauſe he had a mind either to make them ſenſible that he had Juſtice on his Side, and lay all the Blame on the Pope, or to prevent their going to the Council; but they imbark'd in the *Genoeſe* Fleet, and were met by King *Eutius* with Twenty well-arm'd *Neapolitan*, *Sicilian* and *Piſan* Gallies, commanded by *Ugolino Buzzaccherini da Piſa*, a moſt experienc'd Sea-Officer[1]: On the ſecond Day of *May* the Two Fleets ingag'd betwixt *Porto Piſano* and the Iſland of *Corſica*, not far from the ſmall Iſland of *Meloria*, (for the *Genoeſe* Admiral had kept cloſe by the Shore, both to ſhorten the Voyage and ſhun the Enemy) and by the Bravery of the Soldiers and their Commander *Eutius*, obtain'd a notable Victory. On this Occaſion the Three Legates, all the Prelates, and a great Number of Ambaſſadors from diverſe Princes and Cities, who were likewiſe going to the Council, were all made Priſoners, Three of the Enemy's Gallies ſunk, and Twenty-two taken, Thirteen of which were taken by the *Neapolitan* and *Sicilian* Veſſels, and the reſt by the *Piſans*, beſides Four thouſand *Genoeſe* Priſoners; among the Prelates that were taken, the Archbiſhop of *Roan* was one, with a great many *Engliſh* and *French* Biſhops and leſſer Prelates; ſome of which were cruelly thrown into the Sea near *Meloria*, and others impriſon'd in *Naples*, *Salerno*, and other Places on the Coaſt of *Amalphis*, where many of them died of Famine and Grief, and the reſt were ſet at Liberty, at the Sollicitations of the Kings of *France* and *England*, and *Baldwin* Emperor of *Conſtantinople*. There is ſtill to be ſeen one of *Frederick*'s Letters[2], written to ſome of his Barons, wherein he mentions particularly the taking of *Faenza*, and this Victory obtain'd by his Gallies, which begins thus: *Adaucta nobis continuæ felicitatis auſpicia*, &c.

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[1] Sigon. de Reg. Ital. lib. 18. anno 1241.

[2] Pet. de Vineis epiſt. fol. 107.

AFTER this Exploit, *Andrea di Cicala*, Lord Chief Juſtice and Captain General of the Kingdom, by Order of his Maſter, conven'd all the Prelates, that were Natives of the Kingdom in *Melphis*, and made them conſign into his Hands all the Furniture of their Churches, both of Gold and Silver, and the precious Stones, the Veſtments of Silk and Purple, and all other Things ſet apart for Divine Worſhip, a great Part of which he convey'd to a Church in S. *Germano*, and committed the Charge thereof to Twelve of the richeſt and moſt reſponſible Men of that Town; and particularly from the Altar of St. *Benedict* in *Monte Caſſino*, there were taken two Tables, the one of moſt pure Gold, and the other of the fineſt Silver, with other coſtly Ornaments, ſet off with Gold and Jewels, and Veſſels of Silver, with a vaſt Sum of ready Money; but ſome of this ſacrilegious Booty was ranſom'd by thoſe from whom it had been taken, and the reſt was carried to *Grottaferrata*, to be coin'd for the Service of the Emperor; who, after he had taken *Faenza*, and all the other Places of *Romagna*, and made his Son *Eutius* his Lieutenant in *Lombardy*, march'd to *Marca*, and attack'd *Fano*, *Aſſiſi* and *Peſaro*, but could not make himſelf Maſter of them; whereupon he laid waſte their Territories, and march'd to *Spoleto*, which with *Narni*, and other Places of *Umbria*, immediately ſurrender'd, whilſt Count *Simone di Chieti* his General, with another Part of the Army, took *Chiuſi* and *Viterbo*; then at the Requeſt of Cardinal *Colonna*, who, as we have ſaid, had revolted from the Pope, he took and deſtroy'd *Monte Albano*, *Tivoli*, and other Caſtles near *Rome*, where *Gregory*, afflicted with ſo many Diſaſters, ſoon after he had made *Matto Roſſo*, a prudent and brave Man, Senator of *Rome*, in order to withſtand the Attempts of the Emperor and Cardinal *Colonna*, was taken ill, and, according to *Riccardo da S. Germano*, died of Grief the 21ſt of *Auguſt*.

UPON the Death of Pope *Gregory*, *Frederick* wrote Letters to the King of *England*, and other Kings and Princes of Chriſtendom, to tell them, that he hop'd by *Gregory*'s Death, to put an End to the Differences which he had had with the Church, and to accompany them againſt the *Tartars*, who, as we have ſaid, were ravaging *Hungary*, *Germany* and other Chriſtian Countries. The Cardinals, on *Gregory*'s Death, met to elect a new Pope; but being only Ten in Number, they ſent Ambaſſadors to *Frederick*, to beg that he would be pleas'd, on whatever Conditions he ſhould think fit, to ſend them the Two Cardinals that were his Priſoners; therefore having caus'd them to be conducted to *Tivoli* by *Teobaldo di Dragone*, he made them ſwear, as *Sigonius* relates, that unleſs one of them was elected Pope, they ſhould return to their Priſon, and then gave them free Liberty to go to *Rome*. And having left a good Garriſon in *Tivoli*, by the Way of *Campagna* he enter'd our Kingdom, where he halted at *Iſola*, and order'd a new City to be built over againſt *Cepparano*, and committed the Inſpection of it to *Riccardo di Monte Negro*, Juſtice of *Terra di Lavoro*, and gave Orders, that the Inhabitants of *Arce*, *Iſola* and *Paſtena* ſhould go thither to live; and that a certain Number of the Tenants belonging to *Monte Caſſino*, St. *Vincenzo* of *Vulturno*, the Counties of *Fondi*, *Comino* and *Moliſe*, ſhould go weekly by Turns, to aſſiſt in building this new City. But *Riccardo*, who writes this, makes no mention of the Name given to this new City; but by what may be gather'd from what he ſays a little after, and by what we read in the Chronicle of King *Manfred*, it was call'd *Flagella*, by which *Frederick* would have it to be underſtood, that he had built this City, to be a Bridle upon *Cepparano*, and the other neighbouring Places belonging to the Church; nevertheleſs there are no Remains, nor the leaſt Veſtige of ſuch a City to be ſeen at preſent, nor do we find it mention'd in after-times, either becauſe it has never been finiſh'd, or ſoon after has been demoliſh'd.

WHILE *Frederick* was on his March by the Way of St. *Germano*, *Aliſe* and *Benevento* to *Puglia*, and had order'd all the Goods taken out of the Churches, to be brought to him in *Foggia*; the Cardinals, who were met in the Conclave at *Rome*, Thirty Days after *Gregory*'s Death, elected *Goffredo Caſtiglione* a *Milaneſe*, Cardinal of St. *Sabina*, Pope, who was old and infirm, but a Man of great Worth, and gave him the Name of *Celeſtine* IV. who, Seventeen Days after his Election, before he was conſecrated, departed this Life; whereupon the Cardinals diſagreeing among themſelves, for a long Time did not elect another Pope, to the great Detriment of the Church; but many of them, afraid of *Frederick*'s Cruelty, leſt *Rome* privately, and fled to *Alagna*, and other Places, to ſhelter themſelves.

IN the Month of *December*, while the Empreſs *Iſabella* was with the Emperor her Husband in *Foggia*, ſhe was ſeiz'd with a ſudden Illneſs, and in a ſhort Time died, and was buried in *Andria*.

THE following Year 1242, *Frederick* impos'd another heavy Tax upon the Kingdom, turn'd out *Riccardo di Monte Negro* from being Juſtice of *Terra di Lavoro*, and put *Giſulpho da Narni* in his Place: And ſuſpecting the Fidelity of the *Bareſians*, he caus'd all the Towers of their City to be demoliſhed, and ſent the Great Maſter of the *Teutonick* Order, the Archbiſhop of *Bari*, and *Ruggiero Procaſtello*, his Ambaſſadors to *Rome*, in order to reconcile the Cardinals that were there, and treat about the Election of a new Pope.

AT the ſame Time, according to *Riccardo da S. Germano*, *Henry*, who had been long Priſoner in the Caſtle of St. *Felice* in *Puglia*, and afterwards in that of *Nicaſtro* in *Calabria*, and then in *Martorano*, died a natural Death in this laſt Place: But *Boccaccio*, an Author that liv'd near to theſe Times, and famous for his Learning and other Virtues, treating of the Fate of illuſtrious Men, ſays, That while *Henry* was Priſoner in *Martorano*, his Father, mov'd with Compaſſion, order'd him to be brought before him, with a Deſign to ſet him at Liberty; whereupon *Henry*, who knew nothing of his Father's Intention, afraid that he had ſent for him to ſatiate his Cruelty in the moſt barbarous Manner, while the Keepers were conducting him a Horſeback to the Emperor, in paſſing a Bridge of a River in the Way, threw himſelf, Horſe and all, into it, and was immediately drown'd: Whatever way he came by his Death, 'tis certain, that *Frederick* was very ſorry for it, and regretted the Severity wherewith he had us'd him; which he evidenc'd to all the Prelates of his Kingdom, by Letters, wherein he bemoans his Loſs, and orders them to celebrate pompous Obſequies, with Maſſes, and other ſacred Offices, for the Space of a Month, as an Atonement for the Sins of his dead Son, which Letters are recorded by *Riccardo*, and begin, *Fridericus*, &c. *Abbati Caſſinenſi*, &c. *Miſericordia*, &c.

HENRY left by his Wife *Margaret*, Daughter of *Leopold* Duke of *Auſtria*, ſurnam'd the *Glorious*, according to *Cuſpinianus*, *Henry* and *Frederick*, Twins; but it being the Will of God to put an End to that unfortunate Houſe, theſe two Sons, with the Mother *Margaret*, died as miſerable Deaths as the Father *Henry*; for, *Manfred* caus'd the Sons to be poiſon'd when they were Twelve Years of Age; and *Margaret* having outliv'd her Father, Husband and Brothers, who all died without Iſſue, and being left ſole Heireſs of the Dukedom of *Auſtria*, and the laſt of that Race, was married again to *Othocarius* the Son of the King of *Bohemia*, by whom ſhe had no Children; and in proceſs of Time, grievous Diſcords ariſing betwixt them, ſhe was divorc'd; and *Othocarius*, under pretence of having a Diſpenſation from the Pope, whom he had in vain, by Bribes and Offers, ſollicited for that Purpoſe, married *Kunigunda*, Niece of *Bela* King of *Hungary*, and confin'd *Margaret* in the City of *Krems* in *Auſtria*, where, ſhortly after, he caus'd her to be poiſon'd, and, after terrible Wars on that Account, at laſt the Dukedom of *Auſtria* came to the Counts of *Hapsburg*, who are yet in Poſſeſſion of it, and many other Dominions and Provinces, with the Surname of the Houſe of *Auſtria*.

CHAP. III.

Sinibaldo Fieſchi *is elected Pope by the Name of* Innocent IV. *who proſecutes the War againſt* Frederick, *as his Predeceſſor* Gregory *had done; and calls a Council to be held in* Lyons *in* France.

IN the mean Time *Frederick*, who was very earneſt to have a new Pope choſen, went in a friendly Manner to *Rome*, in order to perſuade the Cardinals to come to an Election, as may be ſeen in one of his Letters recorded by *Pietro delle Vigne*; and at the ſame Time *Errico di Morra* Lord Chief Juſtice of the Kingdom, died a natural Death.

THE Year of God 1243 being now begun, and the Cardinals not diſpos'd to elect a Pope to *Frederick*'s Mind, in a great Rage he enter'd the Territories of *Rome*, and, according to *Riccardo*, carry'd Ruin and Deſtruction with him where-ever he went; and becauſe the *Romans* laid the Blame of delaying the Election upon the Cardinals, he not only poſſeſs'd himſelf of their Churches, but likewiſe deſtroy'd their Country Seats and Eſtates, and the *Saracens* ruin'd *Albano*, which belong'd to a Cardinal. He caus'd Two Statues of Braſs to be taken out of the Abby of *Grotta Ferrata*, and carried to *Lucera* in *Puglia*, and being reconcil'd with the *Romans*, he ſet the Cardinal of *Preneſte*, who had been long Priſoner in Caſtle *Janola*, at Liberty, and ſent him honourably back to *Rome*, having ſome time before done the ſame to Cardinal *Oddo*, that he might be preſent at the Election of the Pope; theſe two Cardinals, according to their Parole, of their own accord, after the Election of *Celeſtine*, had return'd to Priſon. The Cardinals, being met anew in *Alagna*, on the 24th of *June*, the Feaſt of St. *John Baptiſt*, elected *Sinibaldo Fieſchi* a *Genoeſe*, of the Family of the Counts of *Lavagna*, Cardinal of St. *Lorenzo*, who was conſecrated on the Feaſt of the Apoſtles St. *Peter* and *Paul*, and call'd *Innocent* IV.

HE had been a moſt intimate and particular Friend of *Frederick*'s, therefore, upon the News of his Election, which might have been reckon'd agreeable to the Emperor, *Frederick* order'd Thanks to be return'd to God over all the Kingdom, and ſent the Archbiſhop of *Palermo*, *Pietro delle Vigne*, and *Taddeo da Seſſa*, his Ambaſſadors, with moſt friendly Letters to congratulate him upon his Acceſſion to the Papacy[1]; this made the People of *Italy* conclude, that all Differences were now at an end, and that they might expect to live in Peace and Tranquillity; but *Frederick*, who knew *Innocent*'s Temper, anſwer'd his Friends who wiſh'd him Joy, that he had good Reaſon to mourn, becauſe he had loſt one who was his beſt Friend when a Cardinal, and would prove his bittereſt Enemy now that he was Pope; which accordingly happen'd; for *Innocent* was ſcarcely fix'd in St. *Peter*'s Chair, when he caus'd it to be ſignified to *Frederick*, that with the Papacy he had likewiſe taken upon him to defend the Rights of the Church, and ſent *Peter* Archbiſhop of *Roan*, *William* Biſhop of *Modena*, and *William* Abbot of St. *Facundus*, to tell him, that he muſt purge himſelf of all the Crimes laid to his Charge, and that if he had offended the Church in any thing, he had e'en beſt make ſuch Reparation as ſome Delegates that he would appoint for that Purpoſe ſhould determine [1]. *Frederick*, hearing this inſolent Meſſage, immediately rejected it, and cauſ'd all the Ports and Roads to be guarded, that *Innocent* might not write of ſuch a Thing to the Princes and People beyond the *Alps*; and being appriz'd, that the Pope had imploy'd ſome *Cordeliers* to go and ſollicit the Favour of theſe Princes and People, he order'd them to be way-laid, and they were all caught, and hang'd.

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[1] Paolo Panſa *has recorded ſome Paſſages of theſe Letters in the Life of* Innocent IV.

IN the mean time the Pope, in the Month of *October*, left *Alagna*, where he had continued ever ſince his Election, and went to *Rome*, and was receiv'd with great Pomp and Honour; and, ſhortly after, the Count of *Toulouſe*, who ſome time before had come to *Puglia* to wait upon *Frederick*, did what he could to reconcile them.

HERE ends the Chronicle of *Riccardo da S. Germano*, for want of which we ſhall not be able to give an Account of *Frederick*'s Actions, and other Events of theſe Times, with the ſame Perſpicuity as we have hitherto done.

IN the Beginning of the Year 1244, *Frederick*, at the Head of his Army, return'd, and enter'd the State of the Church; yet mov'd by the Intreaties of his Friends, and the repeated Sollicitations of other Chriſtian Princes, he was perſuaded to come to an Agreement with the Pope; whereupon he ſent the Count of *Toulouſe*, *Pietro delle Vigne*, and *Taddeo di Seſſa*, his Plenipotentiaries and Ambaſſadors to *Rome*, who, in his Name, on the Feaſt of *Eaſter*, in Preſence of *Baldwin* Emperor of *Conſtantinople*, who was then living there, promiſ'd, that he would ſubmit to *Innocent*, and let the Church enjoy her Rights and Territories peaceably; upon which the Treaty was begun, and the Pope, with many Cardinals, went to *Civita Caſtellana*, and from thence to *Sutri*, to be nearer the Emperor. *Frederick* firſt of all requir'd to be abſolv'd from the unjuſt Sentence of Excommunication pronounc'd againſt him by *Gregory* his Predeceſſor; but *Innocent* by no means would abſolve him, till he had firſt reſtor'd all that he had taken from the Church; whereupon the Treaty was broken off, and *Frederick* began openly to threaten him, and even to fall upon Ways and Means how to ſeize him; whereof the Pope being appriz'd, immediately fled, and ſent a *Cordelier* to acquaint *Filippo Vicedomini* Governor of *Genoa*, to come with arm'd Gallies, and his Nephews the *Fieſchi*, to take him aboard at the neareſt Shore; when the Governor made Report of this to the Senate, they reſolv'd to aſſiſt *Innocent* with Twenty-two Gallies. The Fleet being ready, *Alberto*, *Jacopo* and *Ugone Fieſchi*, the Sons of *Innocent*'s Brother, imbark'd, and to conceal their Deſign from *Frederick*'s Faction in *Genoa*, they pretended to be going upon another Voyage: They left *Genoa* the 11th of *June*, and after a proſperous Voyage, arriv'd at *Civita Vecchia*, where they found *Innocent*, who took ſhipping in their Fleet, and arriv'd at *Porto Venere*, and from thence at *Genoa*, where he was honourably receiv'd, and the Cardinals, whom he had left at *Sutri*, ſhortly after, in Diſguiſe, and by different Roads, by the Favour of the *Milaneſe*, likewiſe arriv'd at *Genoa*. *Frederick* having certain Account of the Pope's Departure, furniſh'd and fortify'd all the Places of St. *Peter*'s Patrimony that were in his Poſſeſſion, and then went to *Piſa*, from whence he ſent his Ambaſſadors to *Parma* (where he knew that *Innocent* had many Relations, by ſome of his Siſters being married there) to prevent Revolts and Commotions there, and to confirm the *Parmeſans* in their Fidelity, and then left *Tuſcany*, and return'd to our Kingdom.

INNOCENT being now in *Genoa*, and fully perſuaded, that *Frederick* would yield to no Terms, till he was firſt abſolv'd from the Cenſures, which he was determin'd not to conſent to; with a Deſign quite to undo *Frederick*, reſolv'd to leave *Italy*, and being accompanied by the Cardinals, and other *Roman* Prelates and Barons, with the Marquiſes of *Montferrat* and *Carretto*, he went to *Aſti*, and from thence to *Lyons* in *France*, where he was receiv'd with the utmoſt Honour and Reſpect by King *Lewis* IX. and preſently ſummon'd the Council, which *Gregory* ſo earneſtly deſir'd to have call'd, without ever being able to do it; to which he ſummon'd all the Prelates of *Chriſtendom* againſt the Feaſt of St. *John Baptiſt*; and to give a ſpecious Pretence for calling this Council, he pretended that it was to find out Means how to relieve the Chriſtians that were making War in the Holy Land, where, by reaſon of the Differences with *Frederick*, they were reduc'd to very miſerable Circumſtances; and likewiſe added, That in this Council Ways and Means ought to be fallen upon how to repair the diſtracted State of the Church in *Italy*; but his real Intent was to have *Frederick*'s Depoſition brought upon the Carpet. The Emperor having ſmelt out *Innocent*'s Deſign, did not fail at the ſame Time to write a long Letter to all the Princes of the World, to whom he laid open the Pope's Deſigns, repreſenting to them, that what he pretended was only Grimace, and that it was well known that he could not ſend Relief to the Holy Land, when *Innocent* was doing all he could to ſow Sedition in, and turn him out of his Dominions in *Italy*, and that all the Miſchief, and the Ruin of *Jeruſalem*, was owing to the Pope; for all the Differences there betwixt the Knights *Templars* and *Hoſpitalers* were fomented by him, becauſe theſe laſt were Creatures of his, and his Miniſters.

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[1] Panſa, in vita Innocen. IV.

THUS ended the Year 1244, in which *Italy* had not only been afflicted with War, but likewiſe with a cruel Famine and Peſtilence. In the Beginning of the following Year 1245, *Frederick* finding that the Council of *Lyons* was levell'd againſt him, reſolv'd to return to *Lombardy*, and, the beſt way he could, fruſtrate the Pope's Deſigns, and being arriv'd at *Verona*, he call'd a general Parliament, wherein were preſent many *Italian* and *German* Barons, together with *Conrade* the Son of *Baldwin*, Emperor of *Conſtantinople*, the Dukes of *Auſtria* and *Moravia*, with *Ezellino*; and after ſundry Affairs of *Italy* were ſettled, he made heavy Complaints of *Innocent*, clear'd himſelf of all the Faults laid to his Charge, and ſent *Pietro delle Vigne*, and *Taddeo di Seſſa*, to the Council of *Lyons* (whither he reſolv'd to go himſelf) to oppoſe the Attempts of the Pope; for this end he left *Verona*, and ſet forward in order to croſs the *Alps*; but on his Arrival at *Turin*, he heard, that on the 27th of *July*, the Pope had pronounc'd Sentence againſt him, and deprived him of the Kingdoms of *Puglia* and *Sicily*, and of the Imperial Crown, as a Rebel, an Enemy, and a Perſecutor of the Holy Church.

SECT. I.

The Hiſtory of the Council of Lyons, *in which the Emperor* Frederick *was depos'd.*

M*ATHEW PARIS*, and other grave Authors relate, that the Council being conven'd in the Cathedral Church of *Lyons*, *Innocent* ſitting on the Throne, with *Baldwin* Emperor of *Conſtantinople* on his Right Hand; before they enter'd upon Buſineſs, adorn'd the Cardinals with red Hats, meaning by that Colour to ſhew, that they ought to be ready to ſhed their Blood in the Service of the Church againſt *Frederick*; and for the greater Ornament of their Dignity, he added the Portmantle and the Silver Mace when they travelled a Horſeback, whereby he meant, that their Dignity ſhould be look'd upon as equal to that of Kings. This he did likewiſe out of Spite and Malice to *Frederick*, who had ſaid, that Prelates ought to imitate Chriſt, and the Apoſtles, by walking bare-footed, and that they ought to be reduc'd to the Primitive Poverty of the Church [1]. Then other Affairs of the Church, ſuch as the Relief to be ſent to the Holy Land, and how to defend *Hungary* and *Germany* againſt the *Tartars*, who had invaded, and were deſtroying theſe Countries, were diſcuſſed: In the next Place the Pope began to exaggerate *Frederick*'s Wickedneſs, and his continual Perſecution of the *Roman* Pontiffs, and other Miniſters of the Church of God, by baniſhing the Biſhops, and depriving them of their Livings, impriſoning the Clergy, and often putting them to cruel Deaths, &c. But *Taddeo di Seſſa*, one of *Frederick*'s Ambaſſadors, ſtood up, and, in the Face of the Pope and the whole Council, boldly anſwered, that his Maſter was innocent of all theſe Crimes that they laid to his Charge; and that the Blame of the by-paſt Wars ought to be imputed to the Popes; and that truſting to the Juſtice of his Prince's Cauſe, he would clear him from all theſe Aſperſions; and that the Emperor, if the Pope had been his Friend, would have got the *Greek* Church to have united with the *Latin*, and would have recovered the Holy Land, and reſtored all that had been taken from the Church of *Rome*; and that he had offered the Kings of *France* and *England* as Guarantees for his Performance; but the Pope made a Mock of theſe Offers, as vain and illuſory, and rejected them; with this Diſcourſe ended the firſt Seſſion of the Council.

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[1] Panſa, in vita Innocen. IV.

THE Council met the Week following, and in this ſecond Seſſion the ſame Affair was the firſt that was brought upon the Carpet, and after the Pope had made a new Speech on *Frederick*'s Wickedneſs, the Biſhop of *Carinola*, who had been a *Ciſtercian* Monk, and was one of the Prelates whom *Frederick* had caus'd to be baniſh'd the Kingdom, roſe up, and after he had told, with a doleful Voice, how ſeverely he had been treated by *Frederick*, he began to give an Account of his wicked Life from his Childhood, and loaded him with many Crimes, ſaying, That *Frederick* believ'd neither in God, nor the Saints; that he had ſeveral Wives at one and the ſame Time; that he was always a Favourer of the *Saracens*; that he had a private Correſpondence with the Soldan of *Babylon*; that he often polluted himſelf with the unlawful Embraces of *Saracen* Women; and that by leading an Epicurean and Worldly Life, in Oppoſition to all Laws, he was wont to repeat theſe Words of *Averroe's*, that three Perſons had deceiv'd the whole World, our Saviour *Jeſus Chriſt* the *Chriſtians*, *Moſes* the *Jews*, and *Mahomet* the *Arabs*; and after the Biſhop had enumerated ſome other ſuch like Crimes, he concluded his Diſcourſe with ſaying, That *Frederick* intended to reduce the Prelates to that pitiful poor Condition of the Primitive Church, as his Actions and Letters clearly demonſtrate. Then roſe a *Spaniſh* Archbiſhop, who confirm'd what the Biſhop of *Carinola* had ſaid, and charg'd *Frederick* with other Crimes, ſuch as Hereſy, Sacrilege, and Perjury, and adviſed the Pope to proceed againſt him, and depoſe him from the Empire, and offered to aſſiſt him both with his Purſe and Perſon, and to get all the Prelates of his Nation (who were more numerous in this Council, and made a greater Figure than thoſe of any other Nation) to do the ſame.

BUT *Taddeo di Seſſa*, not able to bear the opprobrious Speech of the Biſhop of *Carinola*, anſwer'd him boldly, that he ly'd in every Thing he had ſaid, and told him, That it was not the Love of Juſtice, but the Hatred he bore the Emperor, made him ſpeak in that Manner, and upbraided him with many Crimes, for which he and his Brothers had been juſtly puniſhed; that whoever charg'd *Frederick* with Hereſy ly'd, and that if he were preſent himſelf, he would from his own Mouth declare himſelf as pure and ſincere a Chriſtian as any of them all; that his not ſuffering Uſurers in his Dominions, was an undeniable Argument of his Love for the true Chriſtian Religion; *in hoc Curiam Romanam reprehendens* (as *Mathew Paris* ſays) *quam conſtat hoc vitio maxime laborantem*; and having anſwered all the Accuſations alledged by theſe Prelates, he earneſtly begg'd of the Pope to delay the Meeting of the Third Seſſion of the Council, becauſe *Frederick* was arriv'd at *Turin*, and would be preſent to clear himſelf of all theſe Crimes that were laid to his Charge; but the Pope at firſt refus'd to delay the Meeting, and ſaid, that if *Frederick* ſhould come, he would be gone; but the next Day, at the Requeſt of the Proxies of the Kings of *France* and *England*, he was forc'd to grant the deſir'd Delay; but he did it only for two Weeks.

FREDERICK, finding that his Condemnation was unavoidable, thought beſt not to appear before a partial Judge, and refuſed to come; and notwithſtanding that *Taddeo di Seſſa* proteſted againſt what ſhould be done in prejudice of the Emperor, and appeal'd to a future Council, yet the two Weeks were no ſooner expir'd, than *Innocent* conven'd the Prelates, and after publiſhing ſome Conſtitutions made for the Relief of the Holy Land, *non ſine omnium audientium, & circumſtantium ſtupore, & horrore*, according to *Mathew Paris*, he pronounc'd Sentence againſt *Frederick*, depriv'd him of the Empire, and all his other Dominions, Honours and Dignities, abſolv'd his Subjects from their Oaths, and ordered them under the Pain of Excommunication, not to obey him any more; and at the ſame Time he ordered the Electors of the Empire to chuſe a Succeſſor, and that none of them ſhould any longer acknowledge him Emperor or King. This Sentence is recorded by *Bzovius* in his Eccleſiaſtical Annals, and is to be read at full Length in the Life of *Frederick*, which *Simon Scardius*, by way of Introduction, has prefix'd to the Letters of *Pietro delle Vigne*. In relating *Frederick*'s Depoſition, we have choſen to follow what is recorded in the fourth Volume of the General Councils, and the Annals of *Mathew Paris*, where the Truth is more likely to be found, than in *Sigonius* and ſome other Authors.

THE Pope by particular Letters gave an Account of this Sentence to all Chriſtian Princes, and ſent *Filippo Fontana* Biſhop of *Ferrara*, to the Princes of *Germany*, and the Electors, to get them to chuſe a new Emperor, exhorting them to make choice of *Henry* Landgrave of *Thuringia*.

FREDERICK, while he was at *Turin*, hearing that he was depos'd, in a terrible Wrath turn'd to his Barons, and ſpoke thus: *The Pope has depriv'd me of the Imperial Crown, let us ſee if it be ſo*; and ordering the Crown to be brought him, he put it upon his Head and ſaid, *That neither the Pope nor the Council had Power to take it from him*; but though he look'd upon the Sentence as void and unjuſt, yet conſidering of what Detriment it might be to him, he left no Stone unturn'd in order to be reconcil'd with the Pope; and by the Mediation of the King of *France*, he offer'd to the Pope *Satisfactionem facere competentem* (according to *Mathew Paris*) *obtulit etiam quod in terram Sanctam irrediturus abiret, quoad viveret Chriſto ibidem militaturus*; but the Pope, ſcorning theſe Things, anſwered the King, that *Frederick* had many times made ſuch fair Promiſes, but never perform'd them; to which the King replied: *Septuagies ſepties pandendus eſt ſinus, peto, & petens conſulo, tam pro me, quam pro multis aliis millium millibus peregrinaturis proſperum exitum expectantibus, imo potius pro ſtatu Univerſalis Eccleſiæ, & Chriſtianitatis accipite, & acceptate tanti Principis talem humilitatem, Chriſti ſequentes veſtigia, qui ſe uſque ad crucis patibulum humiliaſſe legitur*; when the King of *France* ſaw that the Pope gave him a flat Denial, he left the Place in a great Paſſion, admiring ſo much Humility in an Emperor, and ſo little in a *Servant of Servants*.

THOUGH the Pope by his Letters had publiſh'd this Sentence to all the World, yet, as the Abbot of *Stade* writes, *Quidam Principum cum multis aliis reclamabant, dicentes ad Papam non pertinere Imperatorem inſtituere, vel deſtituere, ſed electum a Principibus coronare*. And this Depoſition was ſo chimerical and ineffectual, according to *Trithemius*, that as long as *Frederick* liv'd, *per annos ferme ſex contra eum, nec Papa, nec aliquis Principum prævalere potuit*; *ſed non advertens ſententiam Papæ, quam frivolam, & injuſtam eſſe dicebat, ſe Imperatorem geſſit, magnamque Principum nobiliorum, & Civitatum uſque ad mortem aderentiam habuit*. *Frederick* finding that his Humility had been of no ſtead to him, was reſolv'd to inform the World of *Innocent*'s Behaviour towards him, whereupon he wrote anew to all Chriſtian Princes, clearing himſelf of the Crimes laid to his Charge, and declaring the Nullity of his Depoſition, as proceeding from one who had no Power to do it, whence in the firſt Book of *Pietro delle Vigne*'s Collection of Letters, the firſt begins thus: *Collegerunt Pontifices, & Phariſei concilium in unum*, &c. and the Second: *In exordio naſcentis Mundi*, and many more to the ſame Purpoſe. And it has been demonſtrated by able Divines[k], that 'tis neither in the Power of the Pope nor Council to depoſe Princes; and much leſs could the Council of *Lyons* claim ſuch a Power, for, beſides its not being General, as (according to the Opinions of *Mathew Paris*, *Albertus Stadenſis*, *Trithemius*, *Palmerius*, *Platina*, and others) wanting all the Conditions requiſite in a General Council, having but a ſmall Number of Prelates preſent in it, and none at all from ſeveral Provinces of the Weſt; the Sentence was not pronounc'd by the Council, but by the Pope alone, not *ſacro approbante Concilio*, but only *ſacro preſente Concilio*, as may be read in the Acts of that Council, recorded by *Du Pin* and other famous Eccleſiaſtical Writers.

FOR theſe Reaſons almoſt all the Princes and People of *Europe*, notwithſtanding this pretended Depoſition, acknowledged him both as Emperor and King. Neither did *Frederick* allow the Subjects of his Dominions and Kingdoms of *Sicily*, to obey *Innocent* in any Thing whatſoever; but ordered his Lord Chief Juſtice of *Sicily*, ſeverely to puniſh, deprive of all their Goods, and baniſh the Kingdom, all Monks and Prieſts, who by the Pope's Order and Interdiction, ſhould refuſe to celebrate the Divine Offices, and adminiſter the Sacraments to the People, and ſuffer none of the Religious to go from one Place to another without expreſs Licence, and a Certificate from whence they came.

HE likewiſe ſent the like Orders to the Juſtice of *Terra di Lavoro*, and ſtrictly commanded him to exact from the Clergy the Third of their Incomes which they had by their Churches, and make them pay all other Taxes impos'd upon the Laicks, and beſides, to impriſon all thoſe who ſhould refuſe to comply.

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[k] V. Du Pin, De Antiq. Eccl. diſc. Diſſert. ult.

SECT. II.

The unhappy End of Pietro delle Vigne.

PIETRO DELLE VIGNE, by neglecting to ſpeak in Behalf of his Maſter in the Council of *Lyons*, when the other Ambaſſador *Taddeo da Seſſa* had ſo boldly defended him, gave Occaſion to his Adverſaries to contrive that Miſchief which ſhortly after befell him; for they repreſented to the Emperor, that being brib'd by the Pope, he had fail'd in the Performance of his Duty; and, indeed, we find no mention made, either in the Acts of the Council, or in the Eccleſiaſtick Annals of *Bzovius*, nor in any other Author who gives us the Hiſtory of that Council, but of *Taddeo da Seſſa*; whence we may gather, that *Pietro*, though preſent, did not concern himſelf in the Affair. This Conduct of his did in a great meaſure cool the Emperor's Affection towards him, and made him jealous that he was concern'd in ſome Plot againſt him; and, when ſome Time after that, the Emperor was taken ill in *Puglia*, and was advis'd by *Pietro* to purge and bathe, he ordered a Phyſician, an intimate Friend of *Pietro's*, to prepare him a Potion, and when he was juſt going to take it, he was inform'd that *Pietro*, brib'd by the Pope, had a Deſign to poiſon him; therefore turning to the Phyſician and to *Pietro*, who was there preſent, he ſaid, *Friends, I have Confidence in you, and know you will not give me Poiſon inſtead of Phyſick*; *Pietro* anſwer'd, Sir, This Phyſician hath oftentimes cured you before, what have you now to be afraid of? The Emperor with a ſtern Countenance ſaid to the Phyſician, *Give me that Potion*; the Phyſician being terrified, ſtumbled of Deſign, and ſpilt the greateſt Part of it, which increas'd the Jealouſy of the Emperor, who ordered them both to be ſeiz'd, and ſome Perſons under Sentence of Death to be brought from the Priſons, who, at the Emperor's Command, drank what remain'd of the Potion, and died on the Spot; hence it was evident, that both the Potion and Bath had been mix'd with the ſtrongeſt Poiſon; whereupon the Phyſician was hang'd, and *Pietro* (for he was unwilling to put him to Death) had his Eyes put out, and was depriv'd of all his Wealth, Authority and Offices, and condemn'd to lead a miſerable Life. But *Pietro*, unable to bear this Reverſe of Fortune, being told by his Guide, that he was near a Wall, or a Marble Pillar, according to *Sigonius*[1], he knock'd his Head againſt it with ſuch Force, that he beat out his Brains, and died immediately. Others ſay, that he threw himſelf out of a Window of his own Houſe in *Capua*, while the Emperor was paſſing under it, and by the Fall died on the Spot in the Year 1249. And *Mathew Paris*, who was alive in the Year 1250. in his Annals of *England*, *Sigonius*, and other antient Authors, place *Pietro*'s Death in that Year. There are ſome who write that he died innocent, and that it was only ſome Courtiers, who envying his Greatneſs, in order to put him in Diſgrace at Court, made *Frederick* believe, that by the Inſtigation of the Pope he was hatching a Plot againſt him, which brought him to ſuch an unlucky End; among which *Dante*, an excellent Poet of that Age, is one, who, in his 13th Canto of Hell, brings in *Pietro* ſpeaking in his own Defence thus:

Of Frederick'*s Heart the Keys were in my Hand,*
'Twas ſhut or open'd ſtill at my Command, &c.

BY which Verſes, whatever was the Occaſion of his Death, 'tis clear, that becauſe he had incurr'd his Maſter's Diſpleaſure, he in a Fury diſpatch'd himſelf. *Mathew Paris* likewiſe writes, that the Emperor was much afflicted both for his Treaſon and Death, ſaying (according to this Author) *Væ mihi contra quem ſevire coactus*.

BUT as 'tis well known, that *Innocent*, by the Means of ſome Perſons of Note, contriv'd Conſpiracies againſt *Frederick*, and brought over many Princes to his Party, that had before been in *Frederick*'s Intereſt, it was an eaſy Matter for him to ſhake the Fidelity and Conſtancy of *Pietro delle Vigne*, ſince by the Biſhop of *Ferrara* he had brib'd ſome Princes of *Germany*, who, without regard to *Conrade*, *Frederick*'s Son, in Complaiſance to the Pope, elected *Henry* of *Thuringia*, King of the *Romans*, who, after his Election, commenc'd a cruel War in that Country againſt *Conrade*.

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[1] Sigon. de Reg. Ital. lib. 18. anno 1249.

HE likewiſe corrupted many of his Barons, not only thoſe in his Army, who had conſpir'd to murder him, but even thoſe that had remain'd in the Kingdom, and had been faithful to him before, who attempted, by Sedition, to overturn the Kingdom of *Puglia*; ſo that he was forc'd to put a Stop to the War againſt the *Milaneſe*, and to leave King *Eutius* his Lieutenant in *Lombardy*, and march in all haſte to the Defence of the Kingdom againſt the Barons, who had openly taken Arms againſt him, and poſſeſs'd themſelves of *Capaccio*, and other Caſtles of that Province.

THE Barons, who by the Pope's Means had conſpir'd againſt *Frederick*, had formerly been his moſt faſt Friends; theſe were *Teobaldo Franceſco*, *Pandolfo Riccardo*, and *Faſanella*, with all their Followers, and all the Family of the S. *Severini*, headed by Count *Guglielmo*, *Jacopo*, and *Goffredo di Morra*; *Andrea Cicala* Captain General of the Kingdom, *Giſolfo di Maina*, with many others, whoſe Names we know not.

THOSE that had conſpir'd to murder *Frederick*, while they were watching an Opportunity to put their Deſign in Execution, were diſcover'd to him by the Count of *Caſerta*, who, as ſome Authors write, gave him Account of them by one of his truſty Domeſticks, nam'd *Giovanni da Preſenſano*, when he was in *Lombardy*; whereupon *Frederick* caus'd ſome of them to be immediately impriſon'd, and others fled, amongſt the laſt were *Pandolfo della Faſanella*, and *Jacopo di Morra*; and the reſt, *viz.* *Teobaldo Franceſco*, *Guglielmo S. Severina*, and *Andrea Cicala*, hearing that the Conſpiracy was diſcovered, ſurpriz'd *Capaccio* and *Scala*, which Places they fortified and provided as well they could, in order to defend themſelves; but *Scala* was attacked, and after a ſharp Engagement, taken by the Emperor's faithful Friends, and *Tommaſo S. Severina*, with one of his Sons, made Priſoner.

IN the Beginning of the Year 1246. the Emperor came to *Puglia*, and ordered *Capaccio* to be beſieg'd; and though the Beſieg'd were in extreme Want of Water, there not having been Rain to fill the Ciſterns, yet they made a vigorous Defence to the 28th of *July*, when they were forc'd to yield, and *Teobaldo Franceſco*, and the greateſt Part of the Conſpirators were made Priſoners, whom the incens'd Emperor caus'd to be put to moſt cruel Deaths, and a great many of their Relations had the ſame Fate, and others were baniſh'd the Kingdom. From this Time we ought to date, what *Matteo Spinello* writes concerning *Ruggieri S. Severina*, who being ſaved by *Donatello Stazio* his Friend, was afterwards, by *Poliſena S. Severina* his Aunt, ſent to the Pope, who with a paternal Care caus'd him to be brought up, and he afterwards proved a gallant and comely Youth; and with the Aſſiſtance of this Pope, and the Encouragement given him by *Charles* I. of the Family of *Anjou*, became the Head of the baniſh'd *Neapolitans* for recovering his Eſtate; but the Defeat at *Canoſa*, which *Matteo Spinello* relates, was not true; for if *Frederick*, who in two of his Letters gives a particular Account of this Fact, had fought and defeated the S. *Severini* in the Plain of *Canoſa*, he would certainly have mention'd it; but the firſt Tranſcriber of *Spinello*, inſtead of the taking of *Capaccio*, has put the Defeat at *Canoſa*, or out of his own Head has added it, as he has, in many other Places, made this Author write what never happened, and what he never intended to ſay.

CHAP. IV.

Frederick *carries on the War againſt the* Lombards, *at the ſame Time that* Conrade *his Son was haraſs'd by* Henry *of* Thuringia, *and* William *Count of* Holland. Frederick *dies in* Fiorentino, *and is ſucceeded by* Conrade.

WHILE King *Eutius* was carrying on a bloody War in *Lombardy*, the Battles were no leſs cruel in *Germany* betwixt *Conrade* and *Henry* of *Thuringia*, who, though he had gain'd a great Victory over *Conrade*, was afterwards kill'd by the Shot of an Arrow at the Siege of *Ulm*; as ſoon as *Innocent* heard of *Henry*'s Death, he immediately ſent other four Legates to ſtir up the *German* Princes againſt *Frederick*; and becauſe King *Eutius*, by Order of his Father, had caus'd a Relation of the Pope's to be hang'd, the Pope excommunicated them both anew, and wrought ſo upon the *Germans*, that *William* Count of *Holland* was elected King of the *Romans*, and ſet out to be crown'd in *Aix la Chapelle*; but *Conrade*, having poſſeſs'd himſelf of that City, and furniſh'd it with Proviſions, made a long and gallant Defence againſt *William* and his Army. The Pope had left no Stone unturn'd in order to get *Conrade* himſelf to rebel againſt his Father, and caus'd Cardinal *Ubaldino* his Legate, the Archbiſhop of *Cologn*, and many *German* Barons to inſinuate to him, that he ought not to follow the damnable Foot-ſteps of his Father: But *Conrade*, a pious and ſteady Prince, anſwer'd them, that he would ſtand by his Father to his laſt Breath.

AFTER *Frederick* had quieted the Commotions of the Kingdom, he left *Puglia*, and went to *Piſa*, and from thence by the Borders of the Territories of *Parma* to *Cremona*, where it was ſuggeſted to him, that he ought to fall upon ſome Method for reconciling himſelf with the Church; therefore he reſolv'd to go to *Lyons* in Perſon, and ſubmit himſelf to the Pope, and being attended by a good Number of his Friends, he went from *Cremona* to *Turin*, where he held another Aſſembly, and ſet out for *Lyons*; but he had ſcarcely reach'd the Foot of the *Alps*, when by a particular Meſſenger he was told, that *Innocent* by his Friends there, had made *Parma* to revolt; whereupon he immediately return'd in order to recover it, and joining with his Son King *Eutius* in that War, treated of at large by *Sigonius*, he ſpent all this Year there; and the following Year 1248. the War being carried on with alternate Succeſs, he loſt *Vittoria*, a City he had lately caus'd to be built overagainſt *Parma*, in which Action the greateſt Part of the Beſieged were either kill'd or made Priſoners, among the Number of the firſt was *Taddeo di Seſſa*, our famous Lawyer, and who had the Honour to be Captain-General of that Army. While *Italy* was thus afflicted with this War, *William* Count of *Holland*, created King of the *Romans*, after a long Siege, took *Aix la Chapelle*, and the firſt Day of *November* this Year was crown'd there by the Archbiſhop of *Cologn*; and ſhortly after coming to an Engagement with *Conrade*, who had return'd with his Army near to that City, he defeated and put him to flight.

THE following Year 1249. *Frederick* left King *Eutius* his Lieutenant in *Lombardy*, and went to *Tuſcany*; but, if we may give Credit to *Giovanni Villani*, he would not enter *Florence*, becauſe, by a vain Prophecy of *Michael Scot* a great Aſtrologer and Magician of theſe Times, it had been told him, that he was to die in that City, but ſtopp'd at a Place near to it, and ſoon after went to *Puglia*, where he ſpent the ſhort Remainder of his Life.

THIS ſame Year the *Bologneſe* gave a terrible Overthrow to King *Eutius*, and took him Priſoner, which Victory, over ſo renown'd a Perſonage, both for the Nobleneſs of his Aſpect, in the Flower of his Age, not above 25 Years old, and for the Grandeur of his Father, exceedingly increaſed both the Fame and Power of that People; they carried him Priſoner to *Bologna*, which ſhews us the Inconſtancy and Miſery of worldly Things; and having made a publick Decree, that he ſhould never be ſet at Liberty, they entertain'd him like a King ſo long as he liv'd, at the Publick Expence; for neither the Menaces of his Father, who wrote to them a Letter about his Liberty, nor the Offer of a great Sum of Money for his Ranſom, could ever move them to part with him. *Cuſpinianus* writes, that after he had been Priſoner Twenty-two Years, and nine Months, he died, and was buried by the *Bologneſe* with great Pomp in the Church of S. *Domenico*, under a rich Tomb of Marble, and his Statue gilded, where, according to *Straderus*, the Inſcription remains to this Day on a Pillar of Braſs.

THE News of this Defeat was ſent to the Emperor in a Letter by the *Modeneſe*, wherein they condol'd his Loſs, and the Impriſonment of his Son; the Emperor return'd them a generous Anſwer, thanking them for their good Will, and threatning the *Bologneſe*, and all the Partiſans of the Church. But theſe taking Advantage of the late Victory, ſubjected many Cities and Caſtles of *Lombardy* and *Romagna*, and among the reſt *Modena*; whereupon *Frederick*, that he might not loſe the Dominion of that Country altogether, the Year 1250. being now begun, reſolv'd to raiſe both Money and Men for renewing the War, and endeavouring to ſet his Son at Liberty; but while he was about this, he was taken ill in the Caſtle of *Fiorentino*, now demoliſh'd, in *Capitanata* in *Puglia*, ſix Miles diſtant from *Lucera*; and, according to *Cuſpinianus*, not without Suſpicion that he had been poiſon'd by *Manfred* Prince of *Taranto*, his Baſtard Son, who aſpir'd to the Kingdom, and therefore wanted to diſpatch his Father, as was found out afterwards.

THE Emperor's Diſeaſe increaſing, he repented of his Faults, begg'd Pardon of God, and confeſs'd to *Bernardo* Archbiſhop of *Palermo*, who abſolv'd him, and gave him the Sacrament of the *Euchariſt*, if we may credit *Albertus* Abbot of *Stade*; and at the Perſuaſion of the ſame Archbiſhop he made his Will, which contains many remarkable Things, therefore we ſhall ſubjoin it at full Length.

CUSPINIANUS adds, that while *Frederick*, by the Strength of his Conſtitution, or the Care of his Phyſicians, was like to recover, and get the better of the Poiſon, or Diſtemper, *Manfred*, to compleat his Iniquity, ſmother'd him with a Bolſter in the Night-time; *Giovenazo* ſeems to be of Opinion, that he died a violent Death, when he ſays, that it was reported, that the Emperor being pretty well recovered, was to quit his Bed the next Day, but by eating ſome ſugar'd Pears over Night, he was found dead in Bed the next Morning, which made good the Prophecy (if ſuch fooliſh Conceits are to be regarded) that he was to die in *Florence*; but according to the wonted Amphibologies of Aſtrologers, not in *Florence* in *Tuſcany*, but in *Florentino* in *Puglia*: Altho' the anonymous Author [1] of *Manfred*'s Exploits, paſſes over in Silence the Circumſtances of this violent Death, that he might not ſully the Memory of his Hero.

SUCH then was the End of the Emperor *Frederick* II. who died in the Fifty-ſeventh Year of his Age, and in the Thirty-ſeventh of his Empire, the ſame Day of the Year he was elected to that Dignity in *Germany*, after he had govern'd the Kingdoms of *Naples* and *Sicily* Fifty Years, and that of *Jeruſalem* Twenty-eight. A Prince, for his many and ſingular Endowments both of Body and Mind, worthy of glorious and immortal Memory; therefore, laying aſide what ſome *Italian* Writers, with too much Malice, and ſome *German*, with too much Flattery, have written, 'tis certain, that he was a wiſe, prudent and couragious Prince, and of a noble and majeſtick Preſence; he was liberal in rewarding thoſe that had ſerv'd him either in the Affairs of Peace or War, and conferred on the Princes of the Empire great Prerogatives and Privileges; for he firſt rais'd *Leopold*, ſurnam'd the *Warlike*, from being Duke to be Archduke of *Auſtria*; and, according to *Cuſpinianus*, gave him the Royal Enſigns; and from the ſixth Book of *Pietro delle Vigne*'s Letters it appears, that he made him King of *Auſtria*, though according to *Zurita*, none of the ſucceeding Princes made uſe of the Titles of King and Archduke, till the Emperor *Frederick* III. conferr'd them anew on *Philip Leopold*'s Grandchild, when he was courting a Daughter of *Ferdinand* King of *Caſtile* and *Arragon*, afterwards ſurnam'd the *Catholick*, in the Year 1488.

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[1] Anonym. de Reb. Federici, &c. Mortuus eſt autem ipſe Imperator apud Florentinum in Capitanata Apuliæ, die Menſis Decembris 9 Indict.

HE was moſt expert in military Diſcipline, whereby he obtain'd notable Victories over his Enemies; and he ſhew'd no leſs Fortitude in Adverſity, than Temperance in Proſperity. He was provident in Council, and prudent in ſettling his Kingdoms by many uſeful and juſt Laws.

HIS having had three Popes, *Honorius*, *Gregory*, and *Innocent*, and the *Guelf* Cities, which were in their Intereſt, his Enemies, got him the Name of Perjur'd, and a Perſecutor of the Prelates and Miniſters of the Church; and his having driven many of them from their Sees, impriſon'd and baniſh'd others, and having cauſed a great many Monks and Prieſts to be hang'd, and having tax'd the Churches, Monaſteries, and Eccleſiaſticks, and diveſted them of their Goods and Poſſeſſions, made all of them afraid that he had a Mind to reduce them to the mean Condition and Poverty of the Primitive Church, becauſe they had heard, that the Emperor was often wont to uſe ſuch Expreſſions; whence *Mathew Paris*, who, before *Frederick* was depoſed, had always vindicated him in his Chronicle, when he underſtood that *Frederick* us'd theſe Expreſſions, he being an *Engliſh* Abbot, and poſſeſſed of many rich Benefices and Commendams, took Offence, and began to write in a Style quite different from what he had us'd before.

IF *Mathew Paris* did ſo, we may eaſily judge what the *Italian* Writers, who were in the Intereſt of the Popes, and all *Guelfs*, would do, and eſpecially the Friars. *Paolo Panſa*, in the Life of *Innocent* IV. ſays, that *Fra. Salimbene da Parma* a Friar Minor, who liv'd in theſe Times, and knew *Frederick*, in his Manuſcript Chronicle, writes, that *Frederick* on his Death-bed was afflicted with Vermine that burſt out of his Fleſh, and when he was dead, his Carcaſs ſtunk to that Degree, that no Body could approach it, and that it could not be then buried; that he was not a Catholick, but an Epicurean, and did not believe in a future State; adding, that when he was in the Eaſt, and ſaw the Land of *Promiſe*, he fell a laughing, and ſcoffingly ſaid, That if the God of the *Iſraelites* had ſeen the Kingdom of *Naples*, and eſpecially *Terra di Lavoro*, he would not have put ſuch a Value upon his Land of *Promiſe*. Therefore they repreſented him as an Atheiſt, and that denying the Immortality of the Soul, he placed all his Happineſs in the Pleaſures of the Fleſh, ſolacing himſelf with what was moſt agreeable to him, and therefore he wallowed in all Sort of Luxury; and that beſides his Wife, he kept a Seraglio of Concubines, ſome of which were even *Saracens*; and *Dante*, though a *Ghibelline*, ſeems to have entertain'd the ſame Opinion of him [1], for he puts him in a Place of Hell with Father *Guido Cavalcanti*, *Farinata degli Uberti*, a *Florentine* Gentleman, and Cardinal *Ottaviano degli Ubaldini*, where the Sin of Hereſy is puniſh'd, and brings in *Farinata* ſpeaking thus:

> *The Second* Frederick, *with the Cardinal*
> *Are here, and others whom I ſhall conceal.*

BUT it may be obſerved in the foregoing Books of this Hiſtory, that when *Frederick* was in Friendſhip with the Popes, he was ſo wedded to the Intereſt of the Church of *Rome*, and her Miniſters, that *Otho* was wont to call him *King of Prieſts*. And we likewiſe find, that he publiſhed many Conſtitutions in Favour of the Juriſdiction of the Church, and which are obſerved to this Day. We have alſo ſeen how he perſecuted the Hereticks, as the ſevere Conſtitutions which he made for extirpating them not only out of *Italy*, but likewiſe out of *Germany*, teſtify [2]. And if we may credit *Capecelatro* [3], *Inveges* [4], and ſome other Writers, in order to perform his Promiſe to Pope *Innocent* III. in the Year 1213. he inſtituted the Tribunal of the *Inquiſition* in *Sicily*.

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[1] Dante, Inferno, Canto 10.

[2] *We read the Conſtitutions of* Frederick *eſtabliſh'd in* Francfort *in the Year* 1234. *againſt the Hereticks of* Germany, *in* Goldaſtus tom 1. p. 77. 292, 293. tom. 2. pag. 51, &c. *And in* Schilterus, tom. 2. Inſt. juris publici, tit. 15. pag. 110. & tit. 16. pag. 117.

[3] Capecelatro hiſtor. MS.

[4] Inveges hiſtor. Palerm. tom. 3.

HIS Zeal in extirpating Hereticks was no leſs remarkable in our Kingdom; for, beſides his having publiſhed that ſamous Conſtitution *Inconſutilem*, when he underſtood that the Hereſy of the *Patareni* had crept into theſe our Provinces, and particularly into *Naples*, he ſent the Archbiſhop of *Reggio*, and *Riccardo di Principato* his Marſhal, to impriſon them. But (whatever he did in *Sicily*, and that is even queſtion'd by ſome, becauſe no cotemporary Writer mentions it) he did not appoint a particular Tribunal of Inquiſition againſt Hereticks in our Provinces. He only ordered his Officers to proceed againſt them *ex Inquiſitione*, though they were not accuſed, as was uſual in other enormous and heinous Crimes, and with more Severity than was practiſed in the Crimes of High-Treaſon againſt an Earthly King. Therefore he ordained, that the Perſons any-wiſe ſuſpected, ſhould be carried before the Prelates, and Eccleſiaſtical Perſons, to be examined by them, as beſt able to judge whether their Opinions differ'd from any Article of the Catholick Faith; and if theſe Prelates, by manifeſt and clear Proof, found them Guilty of Hereſy, their Buſineſs was only to admoniſh them *Paſtorali more*, to forſake the Errors and Snares of the Devil; and if, after being admoniſhed, they perſiſted obſtinately in their Errors, the Prelates had no more to do [1]; but the guilty Perſons, being thus convicted, came under the Cognizance of the Secular Magiſtrates, who, according to the Tenor of that Conſtitution, condemn'd them to be publickly burnt alive. He likewiſe ordained, that the Prelates ſhould impeach Hereticks before his Delegates, and the Officers of the General Aſſizes, which were to be held in the Kingdom twice a Year [2], in order to be by them ſeverely puniſhed. And though he did not appoint a particular Tribunal in our Provinces, but that the ſame Officers, to whom the Puniſhment of all other Crimes was committed, ſhould likewiſe proceed againſt Hereticks; yet the Methods of proceeding which he preſcribed, the Puniſhment, and the Means whereby to diſcover them, were too ſevere and rigorous. He was the firſt that condemn'd them, in general, to Death; he puniſh'd with great Severity thoſe that harbour'd or aſſiſted them; he mark'd out clear and diſtinct Bounds betwixt the Power of the Eccleſiaſticks, and that of the Secular Magiſtrates in taking Cognizance of this Crime. The *Cognitio juris*, or of Right, to wit, whether ſuch or ſuch an Opinion was Heretical or not, was left to the Church; for he would have thoſe accus'd of Hereſy to be examined by Eccleſiaſtical Perſons, becauſe it could not be otherwiſe known whether the Error was damnable or not; whether it was contrary to the Faith or not. *Cognitio facti*, or of the Fact, and the Puniſhment thereof was left to the Secular Magiſtrate; for the Church, as we have obſerved elſewhere, had Power to do nothing, but to ſeparate the Hereticks from the Society of the Faithful; but ſhe could neither condemn to Death, nor Mutilation of Members, nor inflict any other Temporal Puniſhment.

THEREFORE *Frederick* has been unjuſtly aſperſed by our *Italian* Writers, for the moſt part *Guelfs*: And though he us'd ſome Prelates ſeverely, and the Monks and Friars cruelly, yet, by what we have ſaid in this Book, the Reaſons for ſuch Severity may be ſeen; and a Prince ought not to be thought to exceed the Bounds of his Power, when, upon juſt Grounds, and eſpecially if they concern the State, he baniſhes Prelates, and drives them from their Sees, impriſons Friars, and hangs them, when they are Diſturbers of the State, and the Publick Peace: And much leſs ought it to ſeem ſtrange to tax the Goods of Eccleſiaſticks, when the Neceſſity of the Prince, and the Publick Welfare require it.

IT has been the common Cuſtom of Princes, upon any urgent Occaſion, to lay Taxes, as well upon the Churches and Monaſteries, as upon the Cities, and thoſe that hold Lands; and as we have obſerv'd elſewhere, the Patrimonies of our Churches paid Tribute to the Emperors of the Eaſt.

AFTER *Charles the Great* had expell'd *Deſiderius*, and made himſelf Maſter of *Italy*, according to *Sigonius* [3], he impoſed Taxes upon the Churches and Monaſteries of that Kingdom. And thoſe, who, under the Title of Princes of *Benevento*, govern'd the greateſt Part of theſe Provinces, which now make up our Kingdom, always exacted Tribute from the Churches and Monaſteries, which were tax'd according to the Value of the Goods they poſſeſs'd. Thus in the Year 851. under the Emperor *Lothaire*, and *Lewis* King of *Italy*, his Son, when the Principality of *Salerno* was erected, by a Diviſion of the Province of *Benevento*, *Radelchiſius* Prince of *Benevento*, and *Siconolphus* Prince of *Salerno* agreed, among other Things then ſtipulated, that an Account ſhould be taken of all the Goods of the Churches, Biſhopricks, Monaſteries, and *Xenodochia*; and that they ſhould be taxed according to their Value, and the ordinary Tribute paid to the Prince; the Monaſteries of *Monte Caſſino*, and S. *Vincenzo* in *Vulturno*, only were exempted, becauſe they were under the immediate Protection of the Emperor *Lothaire*, and King *Lewis*. The Goods of the Abbots, and other Eccleſiaſticks who ſerved in the Palace of the Prince, were likewiſe exempted [1]. But Things being afterwards altered, when the Popes rais'd the Eccleſiaſtick State to the higheſt Pitch, and exempted both their Perſons and Goods from the Power and Juriſdiction of Princes; *Frederick* was look'd upon as an impious Tyrant, for endeavouring to recover the antient Rights and Prerogatives over their Perſons and Eſtates.

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[1] Conſtit. de Hæretic. & Paterenis.

[2] Ric. S. Germ.

[3] Sigon. de Reg. Ital. lib. 4. anno 774. Feudatoriis autorem, Civitatibus, Eccleſiis, ac Monaſteriis certa tributorum genera impoſuit, foderum, paratam, & manſionaticum appellata, quæ advenienti potiſſimum in Italiam Regi perſolverent.

AS for the reſt, laying aſide theſe falſe Accuſations, *Frederick* was a Prince, in whom Juſtice, Munificence, and Learning ſhin'd in an eminent Degree. He left us many prudent and uſeful Laws; this Kingdom, and eſpecially the City of *Naples*, is much beholden to him. He, out of Love to Learning, founded a famous Univerſity there, whither he invited Scholars from all Parts of his Dominions. He, as moſt skill'd in Philoſophy, and all other Sciences, greatly honoured the publick School of Phyſick in *Salerno*, and founded another in *Padua*, and ſuppreſs'd that of the rebellious City of *Bologna*, and ordered, that none of the Citizens of the *Guelf* Cities of *Lombardy*, *Tuſcany*, or *Romagna* his Enemies, ſhould be allow'd to ſtudy in theſe Schools.

AND 'tis to be admir'd, that, in an Age, wherein, as the anonymous Writer ſays [2], *Erant literati pauci, vel nulli*, he was not only a Lover of Learning, but, like a deep Philoſopher, and well verſed in all other Sciences, he wrote a Book *De Natura, & cura Animalium* [3]. He prompted *Giordano Ruffo* his Maſter Farrier, to write a Treatiſe concerning the Dreſſing and Curing of Horſes; and *Giordano*, in the End of his Book, which is preſerved in S. *Giovanni a Carbonara*, among the Books of Cardinal *Seripando*, ſays, that what he had written was owing to the Inſtruction of his Maſter *Frederick*.

HE cauſed many Books to be tranſlated from the *Greek* and *Arabick* into *Latin*, ſuch as *Ptolomei Almageſt*, *Ariſtotle*'s Works, and many Books of Phyſick and other Sciences; and, according to *Pontanus*, he made a Preſent of ſome of *Ariſtotle*'s Works to the Maſters and Scholars of *Bologna*, before they became his Enemies, and wrote them a particular Letter.

HE likewiſe cauſed *Michael Scot*, a famous Phyſician and Aſtrologer in theſe Times, and his beloved Friend, to write many Books of Philoſophy, Phyſick, and Aſtrology, as *Michael* himſelf, in ſome of them, which he dedicated to him, and *Geſnerus* in his Compend teſtify; whence Philoſophy and Mathematical Learning began to be in vogue: And thus, by having the Works of *Ariſtotle*, *Galen*, and of ſeveral *Arabian* Phyſicians read in the Schools, and encourag'd by *Frederick*, *Ariſtotle*'s Philoſophy, and *Galen*'s Phyſick, acquir'd that Reputation in the Schools which every Body knows.

HE alſo cauſed his Conſtitutions to be put in order, from which many *Authenticæ* were taken and inſerted in the Code, as we have ſhewn in another Place; we are likewiſe beholden to him for the Books of our Conſtitutions, which he cauſed to be collected by *Pietro delle Vigne*. *Frederick* likewiſe wrote a Book of Faulconry, which Art was not in the leaſt known at that Time; and *Manfred* his Son added many other Things to it afterwards.

AMONG the reſt of the Endowments of this good Prince, he was moſt skill'd in many Languages, ſuch as the *Latin*, *Greek*, *Italian*, *French*, and even the *Saracen*, beſides the *German* his Mother Tongue; and he took great Delight in *Italian* Poetry, and compos'd many Sonnets and Songs, which are ſtill extant, and bound up with thoſe of *Pietro delle Vigne*, *Eutius* his Son, and ſome other Poets of that Time, when the *Italian* Language, ſprung from a Mixture of ſo many other, eſpecially from the *Latin*, began to diffuſe itſelf, and being afterwards refin'd by able Writers, may not only be compar'd to the *Latin* and the *Greek* itſelf, but even contend for the Superiority. And the great Number of Poets in that Age, of whom *Lione Alacci*[1] has given us a long Catalogue, is owing to his Genius for Poetry; as among us are *l'Abate di Napoli*, *Giacomo dell' Uva di Capua*, *Folco di Calabria*, *Guglielmo d'Otranto*, *Guczolo da Taranto*, *Ruggiero*, and *Giacomo Puglieſi*, *Cola d'Aleſſandro*, and many other Rhimers in the Infancy of the *Italian* Language.

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[1] Capitul. Princ. Radelch. apud Pellegr. hiſt. Princ. Longob.

[2] Anonym. de Reb. Friderici Imperatoris.

[3] Idem, librum compoſuit de Natura, & cura Animalium.

A MOST magnificent Prince, who adorn'd *Italy* and our Kingdom with many noble Edifices, and eſpecially *Capua* and *Naples*, where he inlarged, and put *Caſtello Capuano* into a better Form; and in *Capua* he rebuilt the antient Bridge of *Caſilino* upon the River *Vulturno*, in a magnificent Manner, with two ſtrong Towers, whereon he plac'd his Statue in Marble, which remains there to this Day.

HE founded many Cities in theſe his Kingdoms, ſuch as *Alitea*, and *Monte Leone* in *Calabria*; *Flagella* in *Terra di Lavoro*, over-againſt *Cepparano*, and *Dondona* in *Puglia*, of which there is no Veſtige now remaining, they being demoliſh'd ſoon after they were built; *Auguſta* and *Eraclea* in *Sicily*, and *Aquila* in *Apruzzi*, as a Bulwark on the Borders of the Kingdom againſt the State of the Church.

BUT our Kingdom is in a ſpecial Manner much indebted to this Prince, for his having caus'd theſe our Provinces to be divided after a better Method, and more diſtinctly than formerly; which muſt be minutely taken Notice of, becauſe of the Conformity which that Diviſion has with the preſent.

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[1] Alacci de Poeti antichi, tom. 1. fol. 1, 43, 50, 52, 57, 288, 372, 373.

CHAP. V.

The Diſpoſition, and Number of Provinces, of which the Kingdom of Naples *is now compoſed.*

THE preſent Diviſion of our Provinces into Twelve, which now compoſe the Kingdom of *Naples*, by *Surgente*[1], *Mazzella*[2], and generally by all Writers, is attributed to the Emperor *Frederick* II. they were not call'd Provinces, but *Giuſtizierati*, or Juriſdictions. But their Opinion is not altogether juſt, for *Frederick* was not the firſt that made ſuch a Diviſion, neither in his Time was their Number riſen to Twelve; whence this Diviſion ought not to be attributed to *Frederick* alone, but likewiſe to *Charles* I. of the Family of *Anjou*, *Alphonſus* I. of *Arragon*, and to *Ferdinand the Catholick*, as *Taſſo*[3], very much to the Purpoſe, obſerves.

NEITHER was the Number always the ſame, for ſome Times by the new *Pragmatics*[4] ſome Provinces (with reſpect to their Government and Adminiſtration) were united, and afterwards divided, and the Number of Twelve made up again; neither were the ſame Cities conſtantly the Metropoliſes and Seats of the Preſidents of the Provinces.

THIS Diviſion was made quite different from that in the Times of *Adrian*, or *Conſtantine the Great*, and the other Emperors his Succeſſors; for *Longinus* having firſt altered the antient Deſcription, the ſucceeding *Longobards*, both under the

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[1] Surg de Neap. illuſt. cap. 24. num. 2.

[2] Mazzella in deſcrizione del. Reg. di Nap. in princ.

[3] Taſſone de Anteſ. verſ. 2. obſer. 1. n. 14.

[4] Pragm. 1. de Offic. ad Reg. Majeſt. ejuſque vic. coll. ſpec.

Dukes and Princes of *Benevento*, by taking in ſometimes in whole, and ſometimes in part, *Campagna*, *Puglia*, *Calabria*, *Lucania*, *Abruzo*, and *Sannio*, made a thorough Change in the antient Diviſion of the Provinces of *Italy*. *Italy* on this Side of the *Tyber* underwent another Alteration, when it was divided into many Principalities and Dukedoms; to wit, into the Principality of *Benevento* (which was afterwards divided into Two, that of *Salerno*, and that of *Capua*) the Principalities of *Bari* and *Taranto*; the Dukedoms of *Naples*, *Sorrento*, *Amalphis*, *Gaeta*, and laſtly *Puglia* and *Calabria*, as may be obſerved in the preceding Books of this Hiſtory.

BUT the more immediate Cauſe and Origin of the preſent Diviſion of theſe Provinces, are intirely owing to the *Caſtaldati*, and *Contadi*, which the *Longobards* introduced; for they divided the Dukedom of *Benevento* into many *Caſtaldati*, as is clear from the *Capitularia* of Prince *Radelchis*, recorded by *Pellegrinus*; and many of theſe in the Time of the *Normans* were converted into *Giuſtizierati*, and afterwards into Provinces.

CAMILLUS PELLEGRINUS with all his Care and Diligence, has in vain endeavoured to find out the Number of theſe *Caſtaldati* in the Time of the *Longobards*; for it cannot be certainly known, if there were ſo many of them as are mentioned in that Diviſion of the Principality of *Benevento*, which was made by *Radelchis* and *Siconolphus* Princes of *Salerno*. The moſt accurate *Pellegrinus* [1] reckons ſome of them, the Chief of which were, the *Caſtaldato* of *Capua*, which towards the Weſt reach'd as far as *Sora*; that of *Coſenza*, which extended to S. *Euſemia*, and *Porto del Fico*, which are ſtill the Confines of the Province of the *Hither Calabria*, whereof *Coſenza* continues to be the Head, and is the Seat of the Preſidents; the *Caſtaldato* of *Chieti*, which comprehended many Cities and Towns, and was afterwards call'd *Marca Teatina*; the *Caſtaldato* of *Bojano*, which, with the neighbouring Places, was at firſt poſſeſs'd by *Alczecus Bulgarus*, with the Title of *Caſtaldo*, and 200 Years after went to *Guandelpertus*, whom *Erchempertus* mentions; but this Juriſdiction was annex'd to *Moliſe*, an adjoining Caſtle, with the Title of *Contado*; whence it was firſt call'd *Contado di Moliſe*, and afterwards the Province of *Contado di Moliſe*, which Name it retains to this Day.

THERE were likewiſe the *Caſtaldati* of *Toleſe*, *S. Agata*, *Avellino*, and *Acerenza*; and that of *Bari*, very famous in the Time of the *Longobards*; whence in that of the *Normans* it became the Head and Metropolis of all *Puglia*. The *Caſtaldati* of *Lucera* and *Siponti*, famous Cities in *Capitinata*, which comprehended all the Cities and Towns betwixt the *Caſtaldato* of *Bari*, and that of *Chieti*. There were alſo the *Caſtaldati* of *Taranto*, *Lucania*, or *Peſto*, and the famous one of *Salerno*. In this manner, or with a very ſmall Difference, did the *Longobards* divide the Dukedom of *Benevento*, which in theſe Times comprehended Nine intire Provinces of thoſe, whereof the Kingdom of *Naples* is now compoſed, and which got theſe Names, to wit, *Terra di Lavoro*, excepting ſome few maritime Cities, ſuch as *Naples* and *Gaeta*, *Contado di Moliſe*, *Apruzzo Citra*, *Capitanata*, *Terra di Bari*, *Baſilicata*, *Calabria Citra*, and the two *Principatos*; and likewiſe Part of the Provinces of *Terra d' Otranto*, *Calabria*, and *Apruzzo Ulteriore*. And though in the Writers of theſe Times, and even in common Diſcourſe, the antient Names of *Campagna*; *Calabria*, *Puglia*, *Lucania*, *Bruzi*, and *Sannio* have been retain'd, yet they have not preſerv'd their antient Limits according to theſe Names, but ſome to ſhew their Learning, others to point out where the *Caſtaldati* were ſituated, have made uſe of them, juſt as the antient Name of *Puglia* ſtill continues among us, tho' none of the twelve Provinces of the Kingdom be call'd *Puglia*, but either *Bari*, or *Capitanata*.

WHEN the *Normans* ſucceeded the *Longobards*, the Provinces got new Names; and as in the Time of the *Longobards* they were call'd *Caſtaldati*, from *Caſtaldo*, the Title of the Magiſtrate who had the Government of them; ſo in like manner the *Normans* committing the Government of the Provinces to their Officers, whom they call'd *Giuſtizieri*, the Provinces were call'd *Giuſtizierati*, whence came the Names of *Giuſtiziero*, and *Giuſtizierato* of *Terra di Lavoro*, *Apruzzo*, *Puglia*, *Terra di Bari*, and the like. As theſe Provinces were alter'd, and from *Caſtaldati* were call'd *Giuſtizierati*; ſo likewiſe the Names of them, excepting a few, were chang'd, as ſhall be ſeen by a particular Enumeration of them, in the Order modern Authors have rank'd them.

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[1] Pellegr. in Diſſert. ult. de fin. Duc. Benev.

SECT.

SECT. I.

Terra di LAVORO.

THE *Caſtaldato* of *Capua* is not call'd *Giuſtizierato di Capua*, but of *Terra di Lavoro*: But when, and whence this Province took this new Name of *Terra di Lavoro*, and loſt that of *Campagna*, or *Capua*, Authors are not agreed. Some believe that this Province had this Name long before the *Normans*; but they have been led into that Miſtake by a Paſſage in a Letter written by Pope *Martin* to *Elitherius*, wherein he gives him an Account of what he had ſuffer'd in a Voyage from *Rome* to the Eaſt, which he had undertaken by the Order of *Conſtans* the *Greek* Emperor, and ſays; *Pervenimus Kalendis Julii Miſenam, in qua erat Navis, id eſt carcer; non autem Miſenæ tantum, ſed in Terra Laboris, & non tantum in Terra Laboris, quæ ſubdita eſt magnæ Urbi Romanorum* (to wit *Conſtantinople*) *ſed & in pluribus Inſularum*, &c. But as the moſt accurate *Pellegrinus* [1] well obſerves, who is it but ſees, that the Tranſcriber of this Letter, by miſtake, inſtead of *Terra Liparis*, has put *Terra Laboris*? For the Pope in his Voyage from *Rome* to the Eaſt, was oblig'd to paſs by *Lipari*, *Naſſo*, and other Iſlands. Beſides, if he had meant *Terra di Lavoro*, he ought not to have mention'd *Miſeno*, as in a different Province from *Terra di Lavoro*, of which it is a Part, nor plac'd it among other Iſlands; ſeeing *Terra di Lavoro* is not an Iſland, but on the Continent, which was not then altogether ſubject to the *Greek* Emperor.

NARCISSUS the Phyſician [2], according to *Sebaſtianus Munſterus*, fell into the like Miſtake, for he imagin'd that *Terra di Lavoro* was once call'd *Terra Leporis*; whereas the antient Monuments, which he cites, ſpeak not of *Compagna*, now call'd *Terra di Lavoro*, but of *Terra di Lipari*; for all the Iſlands of *Lipari* were formerly ſo call'd: In the ſame manner we read in *Erchempertus* [3] *Barium Tellus*; and in another Place *Regium Tellus*; and we likewiſe ſay, *Terra di Bari*, *Terra d'Otranto*, *Terra di Lavoro*, &c.

BLONDUS, who is follow'd by *Leander Albertus*, and our modern Writers, committed a groſſer Error. For in his Deſcription of *Campania*, he fancied, that *Capua*, by Reaſon of the old Hatred of the *Romans*, and the Deſolation it had ſuffer'd, was become infamous; and that the People of the adjoining Cities and Towns looking upon the Name of *Campani* as both ignominious and dangerous, would no longer be call'd *Campani*, but *Leborini*; and that from their Obſtinacy, all the Country of *Campagna*, was call'd *Terra di Lavoro*.

BUT the never-enough to be commended *Pellegrinus* in his *Campania* [4], has clearly demonſtrated all theſe to be meer Dreams, and has given us the true Origine of that Name, its Author, and the Time when this Province got it. He ſays, that it was firſt call'd ſo about the Year 1091, by *Richard* II. Prince of *Capua* and his *Normans*, who, in the beginning of the Year 1091, being driven out of *Capua* by the *Capuan Longobards*, forbore to call it the Principality of *Capua*, and gave it the Name of *Terra di Lavoro*, from the Pleaſantneſs of its Soil, fit for any Labour; and when the *Normans*, in the Year 1098, for the ſecond Time, made themſelves Maſters of *Capua*, they continued to call it by the ſame Name, and the former was but ſeldom us'd, except in publick Writs; in the ſame Manner as our Kingdom continues to have two Names.

THUS did this Province, which is bounded on the Eaſt by the River *Silari*, and on the Weſt by that of *Garigliano*, of old call'd *Liris*, on the North by the *Appenine* Mountains, and on the South by the *Tyrrhenian* Sea, get both this Name and theſe large Bounds, and by reaſon of the many Cities wherewith it is adorn'd and the Fertility of its Soil, is reckon'd the firſt Province of the Kingdom, and *Naples* the Head and Metropolis thereof. In the Time we are now treating of, to wit, of *Frederick* II. this Province was call'd *Terra Laboris*, as may be ſeen in

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[1] Pellegr. diſſ. 5. Duc. Benev.

[2] Narciſ. apud Munſterum in Coſmographia lib. 2. ubi de Campania, &c.

[3] Erchemp. apud Pellegr. num. 29 & 81.

[4] Camil. Pellegr. de Campania in Appendice 701.

Riccardo da S. Germano; and in the Time both of the *Norman* and *Suevian* Kings was govern'd by its own Juſtice, who reſided ſometimes in *Capua*, and ſometimes in *Naples* and other Cities, and was attended by the Judges and other Officers of Juſtice, and the Attorney General. He govern'd the whole Province, tho' every City had its particular Governor, who had the immediate Direction thereof, from whoſe Deciſions the People, by way of Appeal, had recourſe to the Juſtice of the Province. And ſeeing *Naples* began to increaſe in *Frederick*'s Time, that it might be on the ſame Level with *Capua* and *Meſſina*, he order'd that its Governor ſhould have Three Judges under him, and many Notaries; which was not allow'd in other leſſer Cities. And 'tis ſaid, that *Marino Caramanico*, an able Doctor in theſe Times, was one of the Judges in *Naples* in the Year 1269 [1].

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[1] Fab. Jordan in addit. ad proœm. Conſtit. Urſin. de Succeſ. Feud. par. 2. qu. 2. art. 1. num. 43. verſ. ſecundo reſpondetur. Andreys qu. Feud. cap. 1. §. 1. num. 2.

SECT. II, III.

The Hither PRINCIPATO. *The Further* PRINCIPATO.

THE next Province was, and is ſtill call'd *Principato*. Whence it got this Name is very clear, and all Writers agree in it. When *Arechis*, as we have told in the ſixth Book of this Hiſtory, who was only Duke of *Benevento*, made himſelf to be crown'd Prince thereof; from a Dukedom it became a Principality; and ſeeing the Dukedom of *Benevento*, before the Diviſion made betwixt *Radelchis* and *Siconolphus* comprehended likewiſe *Salerno*, upon this Diviſion there ſtarted up Two Principalities, whence both of them got the Name of *Principato*, and this Province comprehended ſo large a Country, that there was a Neceſſity of dividing it into Two, whence came the Name of *Principato citra*, or on this Side the *Appenines*, which, with part of *Lucania*, is alſo call'd *Picentina*, and *Principato ultra*, or on the other Side of the *Appenines*, or *Sannio degl' Irpini*.

THE hither *Principato*, which comprehends the Country of old inhabited partly by the *Picentini*, and partly by the *Lucani*, is divided from *Terra di Lavoro* on the Weſt by the River *Sarno*, and on the North the *Appenines* divide it from the further *Principato*; on the Eaſt the River *Silaro* runs betwixt it and the *Baſilicata*, and on the South it is waſh'd by the *Tyrrhenian* Sea, and has *Salerno* for its Metropolis.

THE further *Principato* is the only Province of the Kingdom diſtant from the Sea, being ſituated amongſt the *Appenine* Hills, at the Head of *Sannio*, where of old the *Hirpini* liv'd. It is divided from the hither *Principato* by the *Appenines* on the South; from *Terra di Lavoro*, and the Couuty of *Moliſe* it is ſeparated by the ſame *Appenines* above *Nola*, and by the *Forche Caudine* above *Arpaja* towards the Weſt, and by the beginning of *Monte Mateſe* towards the North, which likewiſe divides it from *Capitanata* on the North, but more towards the Eaſt by the *Appenines*, which alſo ſeparate it from the *Baſilicata*. It contains a Country call'd *Valle Beneventana*, which was formerly the principal Part of *Sannio*, and had *Benevento* for its Metropolis; but ſince that City came under the Dominion of the Church of *Rome*, it has other Cities for the Seat of its Preſidents.

WHENCE the *Normans*, when they ſucceeded the *Longobards*, gave this Province the Name of *Principato*; and the Abbot of *Noce* [1], tranſcribing in his Notes on the Chronicle of *Caſſino*, the Words of the Diploma given by Pope *Nicholas* II. to the Abbot *Deſiderius*, appointing him his Vicar over the Monaſteries and Monks of theſe Provinces, enumerates this Province among the reſt, under the Name of *Principato*: theſe are the Words; *Per totam Campaniam, Principatus quoque, & Apuliam, atque Calabriam*, &c. And *Leo Oſtienſis* [2], who wrote that Chronicle a little after the Death of the Abbot *Deſiderius*, afterwards Pope, by the Name of *Victor* III. likewiſe ſays, *Per totam Campaniam & Principatum, Apuliam quoque, atque Calabriam*, &c.

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[1] Ab. de Noce ad Chron. Caſſ. lib. 3. cap. 13. num. 1277.

[2] Oſtienſ. lib. 3. cap. 13.

IN the Time of *Frederick* II. according to what *Riccardo da S. Germano*, ſpeaking of the General Courts inſtituted in the Kingdom by that Prince, tells us, it appears that this Province was not then divided into Two, as it was afterwards, for making *Salerno* to be a City, where the general Court was held, and to which the other Provinces were to repair, he ſays, *In Principatu, Terra Laboris, & Comitatu Moliſii uſque Soram, apud Salernum.*

SECT. IV.

BASILICATA.

ACCORDING to this Order, the *Baſilicata*, which comprehends a great Part of the antient *Lucania*, and part of *Magna Græcia*, is next. It is likewiſe ſurrounded in part by the *Appenines*, which divide it both from the further and hither *Principato*. The *Appenines* are divided in this Province into Two principal Ridges near to *Venoſa*: That which runs to *Brindiſi* parts the *Baſilicata* from *Terra di Bari*, as far as *Altamura*; and the other ſeparates it from the hither *Calabria* to the Confluence of the Rivers *Corianello* and *Crati*, and running a little towards the Sea, it touches upon *Terra d'Otranto* on the Gulf of *Taranto*. This Province is alſo bounded for a little Space, by the *Capitanata*, from which it is divided by the River *Ofanto*, betwixt *Aſcoli* in *Puglia*, and *Lavello*. *Peſto*, *Venoſa*, *Acerenza*, *Melphis*, and other famous Cities once belong'd to this Province; it has now *Matera*, *Potenza*, *Lavello* and other leſſer Cities; but there's ſcarcely a Veſtige of the antient remaining.

WHENCE this Province took the Name of *Baſilicata*, and when, has been ill ſearch'd into by our Writers; but it will be eaſily found out, if we call to mind what happen'd to theſe our Provinces about the End of the Tenth Century, when the *Greeks* made ſo many Expeditions and Conqueſts in them, and introduc'd a new Magiſtrate into *Puglia*, by them call'd *Catapanus*, from whom a great Part thereof took its Name, and therefore is now call'd *Capitanata*: In the Time of *Baſilius* the Emperor of *Greece*, or of ſome of his Generals of that Name, this Part of *Lucania* got the Name of *Baſilicata*; for we have ſeen in the Eighth Book of this Hiſtory, that in the Year 989, while *Baſilius* with his Brother *Conſtantine* reign'd in the Eaſt, the *Greeks*, by the famous Victory which they obtain'd over *Otho* III. Emperor of the Weſt, were not only for a long Time Maſters of all *Puglia* and *Calabria*, till they were driven out by the *Normans*; but likewiſe of this Part of *Lucania*, which was poſſeſs'd by *Baſilius*, and govern'd by *Greek* Officers ſent hither by him, ſome of which, as is clear from the Chronicle of *Lupus Protoſpata*, were alſo nam'd *Baſilii*, whence this Province got the Name of *Baſilicata*. *Joannes Pontanus* is likewiſe of Opinion, that this Province was ſo call'd in theſe Times of the *Greeks*; but whence it was ſo nam'd, he adds, *Jure anceps eſt, ac dubium*[1].

IN the Time of *Frederick* II. the *Baſilicata* was reckon'd one of the Provinces of the Kingdom by *Riccardo da S. Germano*, who ſays, that *Frederick* had appointed the City of *Gravina* to be the Place where the general Court was to be held, and to which theſe Three Provinces were to repair, to wit, *Apulia, Capitanata & Baſilicata apud Gravinam.*

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[1] Pont. lib. 2. de bello Neap.

SECT. V, VI.

The Hither CALABRIA. *The Further* CALABRIA.

CALABRIA, according to the Denomination which it took from the laſt *Greek* Emperors, in *Frederick*'s Time was divided into Two; not as now into the hither and further *Calabria*, but into *Terra Jordana*, and *Val di Crati*, and according to *Riccardo da S. Germano*, *In Calabria*, *Terra Jordana*, & *Vallis Gratæ apud Cuſentiam*; and theſe Names are likewiſe to be found in Writs, not only in the Reign of the Family of *Anjou*, but alſo in that of the Family of *Aragon*, and in the Time of *Alphonſus* I. as *Tutini* witneſſeth [1]; and according to *Pellegrinus* [2], this Appellation is taken from the River *Crati*, which waſhes that Valley, and we now call the Province of the further *Calabria*, *Terra Jordana*, which has *Catanzaro* for its chief City; and the hither *Calabria* is call'd *Val di Crati*, and has *Coſenza* for the Seat of its Preſident. Theſe Two Provinces reach from both Parts of the *Appenines* to the *Ionian* and the *Tyrrhenian* Seas. They begin to be ſeparated above *Coſenza*, and run in a direct Line to both the Seas, to the *Ionian* near *Strangoli*, and to the *Tyrrhenian* at the Gulf of *Hipponiates*. The hither *Calabria* includes a Part of *Magna Græcia*, and has for inland Bounds, the *Baſilicata*, and the hither *Principato*, towards the Weſt the *Appenines*, and reaches to both the Seas, till it joins the further *Calabria* towards the Eaſt. The further *Calabria* (which was inhabited by the *Brutii*) has the ſame Confines towards the North; but on all other Sides it is ſurrounded by the Seas; on the Eaſt, by the *Ionian*; on the South, by the *Sicilian*; and on the Weſt, by the *Tyrrhenian*.

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[1] Tutin. de M. Giuſtiz. fol. 97.

[2] Camil. Pellegr. in Caſtig. in Anonym. Caſſin. pag. 141. Sic. n. dicta olim, atque etiam nunc dicitur vallis, Regioque percelebris in Calabria Citeriori ſupra Coſentiam ad Septentrionem, Tarentinum ad uſque Sinum porrecta, quam preterfluit flumen Crathis, vulgo Grati, unde illi nomen, Regiiſque frequentiſſime Tabulariis, nec non Riccardo a S. Germano ad ann. 1234 memoriata.

SECT. VII, VIII.

Terra di BARI. Terra D'OTRANTO.

PUGLIA, (as it was call'd by the *Greeks*) which alſo comprehended a Part of antient *Calabria*, now call'd *Terra d'Otranto*, in *Frederick's* Time was not divided into Two Provinces, as now, to wit *Terra di Bari*, and *Terra d'Otranto*; and as it was reckon'd but one Province, ſo it had only the Name of *Apulia*, and is ſo call'd by *Riccardo*. However 'tis certain, and *Pontanus* [1] likewiſe witneſſeth, that theſe Names of *Terra di Bari*, and *Terra d'Otranto* had their Riſe, at the ſame Time that *Baſilicata*, and *Capitanata* were ſo call'd: And we read in *Erchempertus* [2], *Barium Tellus*, and in the publick Writs in the Time of the *Normans*, we find the Province of *Terra d'Otranto*. The one of theſe Provinces was ſo call'd from *Bari*, its antient and famous Metropolis. The other from *Otranto*, likewiſe a renown'd City of the *Salentini*.

TERRA di Bari, of old call'd *Apulia Peucetia*, towards the Weſt is bounded by the River *Ofanto*, and extending itſelf in Length, is confin'd betwixt the Banks of the *Adriatick* Sea, on the North Side of it, and the *Appenines* which divide it from *Baſilicata* on the South, where it runs out, and terminates towards the Eaſt. It is divided from *Terra d'Otranto* on the Land Side, in the Territory of *Oſtuni*, and towards the Sea, between *Monopoli* and *Brindiſi* at *Villa Nova*, formerly call'd *Porto d'Oſtuni*.

TERRA d'Otranto begins here, and by the Antients was reckon'd a Part of *Puglia*, and alſo call'd *Calabria*, *Japigia* and *Salentina*. This Province forms that utmoſt Point of Land, which makes one of the Three Angles of *Italy*, where it is bounded by one of the two principal Ridges into which the *Appenines* are divided. Here terminates alſo the *Adriatick* Sea, and mixes itſelf with the *Ionian*; and is bounded on the Weſt by *Terra di Bari*, and *Baſilicata*: Then it's waſh'd on the North by the *Adriatick*, and on the Eaſt by the Confluence of the *Adriatick* and *Ionian* Seas, and on the South by the Gulf of *Taranto* in the *Ionian* Sea. Its Maritime Cities are *Brindiſi*, *Otranto*, *Gallipoli* and *Taranto*, formerly a very ſtrong City, and had a very commodious Harbour.

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[1] Pont. lib. 2. de bello Neap.

SECT. IX.

CAPITANATA.

THAT Province, which we now call *Capitanata*, and which was antiently call'd *Apulia Daunia*, and comprehended *Japigia* in *Monte Gargano*, got this Name from the *Greeks* in the Height of their Proſperity, when *Bari* was the principal Seat of their Reſidence. They, in order to maintain their new Conqueſts, to keep the People in awe, and to curb *Puglia*, ſent thither a new Governor, whom they no more call'd *Straticus*, as formerly, but by another *Greek* Name *Catapanus*, that is to ſay, one that could do every thing. Among the *Catapani*, of whom *Lupus Protoſpata* has given us a long Liſt, in the Year 1018, *Baſilius Bugianus* is one, whom *Gulielmus Apuliæ* [1] calls *Bagianus*. This was he, who, to preſerve his Memory in *Italy*, made a new Province of that part of *Puglia* bordering on the Principality of *Benevento*, and in the Poſſeſſion of the *Greeks*, and built new Towns and Cities, one of which he nam'd *Troja*, to revive the Memory of the antient City of that Name; the others were *Dragonaria*, *Fiorenzuola*, &c. whence this Province got the Name of *Capitanata*, which it retains to this Day.

THIS Province is divided from *Contado di Moliſe*, by *Monte Mateſe*, and the River *Fortore*, at the Mouth of which it joins the hither *Abruzzo* near to *Termoli*; and ſurrounding *Monte Gargano*, from *Siponto* it reaches to the River *Ofanto*, which parts it from *Terra di Bari*, and paſſing the Villages of the Territory of *Barletta*, it runs to the Lake of *Verſentino*; and by the Head of the ſaid River of *Ofanto*, it is ſeparated from *Baſilicata*, and by the *Appenines* in *Crepacuore*, and *Sferracavalli* it is divided from the further *Principato*.

IN the Time of *Frederick* it was alſo reckon'd a Province, ſo that *Riccardo* numbers it among the other Provinces of the Kingdom, by the Name of *Capitanata*. However 'tis true, that though in *Frederick*'s Time the Provinces of *Capitanata*, *Terra di Bari*, and *Terra d'Otranto* were divided and comprehended in *Puglia*, taken in its largeſt Senſe, yet they were govern'd by one Juſtice, call'd the Juſtice of *Puglia*.

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[1] Gul. Ap. lib. 1.

SECT. X.

Contado di MOLISE.

THE *Contado di Moliſe*, formerly call'd the *Caſtaldato di Bojano*, gave Name to another ſmall Province, which it ſtill retains [1]; and it was ſo call'd from *Moliſe*, an ancient City of *Samnium*, and in the Time of the *Longobards*, *Iſernia*, *Bojano* and other Places, were comprehended in this *Contado*, from which the Family of *Moliſe*, now extinct, likewiſe took its Name. In the Time of *Frederick* this *Contado* was a diſtinct Province, and *Riccardo* numbers it among the reſt, under the Name of *Comitatus Moliſii*; whence it always has been, and is ſtill reckon'd the ſmalleſt of all the Provinces, and has no Preſident, but is govern'd by the Preſident of *Capitanata*, to which it is join'd.

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[1] Camil. Pellegr. pag. 89.

SECT.

SECT. XI, XII.

The Further ABRUZZO. *The Hither* ABRUZZO.

IN the Time of *Frederick* II. the *Giuſtizierato* of *Abruzzo*, was reckon'd but one Province, and according to *Riccardo*, that Emperor appointed *Sulmona* to be the Place for holding the general Court; *In Juſtitiaratu Abrutii, apud Sulmonam. Alphonſus* I. of *Aragon*, in order to remove the Diſputes which frequently aroſe among the Collectors of the Taxes, divided it into Two Parts.

THIS Country was once very famous for the warlike People that inhabited it, to wit, the *Prægutii*, the *Marrucini*, the *Amiternini*, the *Marſi*, the *Veſtini*, the *Hirpini*, &c. The *Longobards* erected it into a *Caſtaldato*, which they indifferently call'd the *Caſtaldato* of *Abruzzo*, or of *Teramo*, as we read in *Petrus Diaconus*[1]: *Gaſtaldatus Teramnenſis*; for *Teramo*, by the Ancients call'd *Interamnia*, was the Metropolis City of the *Prægutii*. Although the Word *Abruzzo* be variouſly deriv'd; by ſome from the Ruggedneſs of the Mountains, by others from the Abundance of wild Boars, yet its true Derivation is from *Teramo*, which was likewiſe call'd *Abruzzo*, becauſe it was the Metropolis of the *Prægutii*, who, by a corrupt Word, were afterwards call'd *Abrutii*[2].

THIS Province, which we now call the further *Abruzzo* (that is to ſay, on the other Side of the River *Peſcara*) beſides *Teramo*, *Amiterno*, (from the Ruins of which *Aquila*, now the Seat of the Preſidents, had its Riſe) contain'd *Forcone*, *Valeria*, and other renown'd Cities of the *Marſi*. In the Country of the *Marrucini*, and *Ferentani*, now call'd the hither *Abruzzo* (that is to ſay, on this Side of the River *Peſcara*) it comprehended *Chieti*, by *Strabo* call'd *Theanum*, which was the Metropolis of the *Marrucini*, and is now the Seat of the Preſidents, *Ferentana*, *Ortone*, *Lanciano*, *Sulmona*, *Aterno*, and other famous Cities, ſome of which are yet in being. By theſe Provinces of *Abruzzo*, with a ſmall Part of *Terra di Lavoro*, the Kingdom is ſeparated from the Dominions of the Church of *Rome*.

SUCH was the Diſpoſition of theſe Provinces, of which our Kingdom is now compoſ'd, in the Time of *Frederick*, and they were call'd *Giuſtizierati*, from the *Giuſtizieri*, or *Juſtices*, who govern'd them. According to the Computation of *Riccardo da S. Germano*, a Cotemporary Writer, they were only Ten in Number, to wit, *Calabria* divided into Two, *viz. Terra Jordana*, and *Val di Crati*; *Puglia* into *Terra d'Otranto*, and *Terra di Bari*; *Capitanata*, *Baſilicata* and *Principato*, divided into Two; *Terra di Lavoro*, *Contado di Moliſe*, and the *Giuſtizierato* of *Abruzzo*, likewiſe divided in the ſame Manner.

THERE was not a Juſtice appointed for each of theſe, but one frequently govern'd many Provinces, as we read of *Giacomo Guarna* Count of *Marſico*, who was Juſtice of *Puglia*, and *Terra di Lavoro*[3], and of *Tommaſo d'Aquino*, who was Juſtice of *Puglia*, and had the ſole Adminiſtration thereof, which is now divided into Three Provinces; and even in our Time we ſee, that the Preſident of *Capitanata*, who reſides in *Lucera*, likewiſe governs the Province of the *Contado di Moliſe*. Sometimes Two Juſtices govern'd one Province, as in the Year 1197, *Roberto di Venoſa*, and *Giovanni di Fraſſinetto*, were both Juſtices of *Terra di Bari*; and in the Year 1225 *Pietro d'Eboli*, and *Niccolo Cicala*, were Juſtices of *Terra di Lavoro*[4]. In the Times of the Kings of the Family of *Anjou*, one Juſtice was ſent to more than one Province; and the ſame was alſo practiſ'd in the Reigns of the Kings of the Houſe of *Aragon*; and till the Time of *Philip* II. according to *Aleſſandro d'Andrea*[5], who wrote of, and ſerv'd in the War which that King had with Pope *Paul* IV. there were only Six Governors, firſt call'd Juſtices, and afterwards Viceroys, who adminiſtred Juſtice to more Provinces than one; for the Two *Abruzzi* had then but one Preſident; the *Contado di Moliſe*, and *Capitanata* another, as they have at preſent; the further *Principato* had one, the hither *Principato*, and *Baſilicata* had but one; *Terra d'Otranto*, and *Terra di Bari* one; and the Two *Calabria's* another. But the Diviſion was made afterwards, according to the Number of the Officers, call'd Treaſurers, who collected the Royal Revenues, for the greater Conveniency of collecting them, and the Number of Governors was the ſame, whence, excepting the *Contado di Moliſe*, each Province had its own particular Preſident.

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[1] Pet. Diac. in Auct. ad Oſtien. lib. 4. c. 22.

[2] Camil. Peleg. in diſſ. ult. de Duc. Benev.

[3] Tutin. de M. Giuſtizieri, in princip.

[4] Idem de Conteſtab. pag. 6.

[5] Andr. Ragionam. 2.

CHAP. VI.

General Courts and Fairs inſtituted by Frederick *in theſe our Provinces. The Children he left; and his laſt Will.*

ALL theſe Juſtices were ſubordinate to the Lord Chief Juſtice of the Kingdom, who reſided at *Palermo*, the Place of the King's Reſidence, and where he kept his High Court; but *Frederick*, who could not fix himſelf in any one Place, but as his Affairs call'd him, made Progreſſes over all the Provinces of his Dominions, held his High Court in every City where he made any Stay, and was attended by the Lord Chief Juſtice, and the Judges of that Court. And this prudent Prince, who was a Lover of Juſtice, for the better Government of theſe Provinces, in the Year 1233, having conven'd a General Parliament in *Meſſina*, ordain'd a General Court to be held Twice a Year in certain Provinces of the Kingdom[1], where any Perſon, that found himſelf injur'd by, or had Cauſe to complain of the Juſtices, or any other of his Officers, ſhould lay their Complaints before his Delegate, ſent thither by him for that Effect, who was to ſet down all the Grievances in Writing, and, together with Four Clergymen of known Probity and Reputation, was to ſeal the ſaid Writing, and preſent it to his Imperial Court. But Complaints againſt Perſons who were not Officers, were to be decided by the Juſtices of the Provinces.

IN theſe General Courts, Four Perſons of the beſt Account and known Probity of each City, and Two of each Village or Hamlet of the Province were to be preſent. And it was likewiſe ordain'd, that the Prelates of theſe Cities, if they had not a lawful Excuſe, were to be preſent to inform the Court if there were any *Patareni*, or other Hereticks in their Province, and if they could not be there themſelves, they were to do it by others, that theſe Hereticks might be ſeverely puniſh'd. Theſe Courts were to continue for Eight Days, and when Matters of Moment were to be diſcuſs'd, they could prolong the Time to a Fortnight.

THE Places appointed for holding of theſe Courts were, in *Sicily*, *Plazza*; in *Calabria*, *Coſenza*, where Two Provinces were to meet, to wit, *Terra Jordana*, and *Valle di Crati*, now call'd the hither and further *Calabria's*; the Provinces of *Puglia*, *Capitanata* and *Baſilicata*, were to meet in the City of *Gravina*; the Two Provinces of *Principato*, *Terra di Lavoro*, and *Contado di Moliſe*, as far as *Sora*, were to meet in *Salerno*; and the Two Provinces of *Abruzzo* in *Sulmona*.

THE Times fix'd for holding of theſe Courts, were the firſt Day of *May*, and the firſt of *November*. They were to be compoſ'd of the Emperor's Delegate, the Chief Juſtice, the Juſtices of the Provinces, the High Chamberlain, the Chamberlains and Bailiffs of the Provinces, and other Officers of the Court, the Prelates, Counts, Barons, and the Citizens of theſe Places, as above appointed.

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[1] Ric. S. Germ. ad Ann. 1233.

IN order to keep up Plenty of all Things, this ſame general Parliament held at *Meſſina*, appointed publick Fairs in Seven Places of our Kingdom [1], whither all Merchants were to carry their Wares, and while the Fair laſted, they were not allow'd to carry them to any other Place. The firſt was appointed to be in *Sulmona*, and to laſt from the Feaſt of St. *George*, to that of the Apparition of St. *Michael the Archangel*: The ſecond was to be in *Capua*, and to continue from the 22d of *May*, to the 8th of *June*: The third in *Lucera*, and was to begin on the Feaſt of the beatified Pope *John*, and to hold Eight Days: The fourth in *Bari*, and to laſt from the Feaſt of *Mary Magdalen*, to that of St. *Laurence*: The fifth in *Taranto*, from the Feaſt of St. *Bartholomew*, to that of the Nativity of the Bleſſed Virgin: The ſixth in *Coſenza*, from the Feaſt of St. *Matthew*, to that of St. *Dionyſius*: The ſeventh in *Reggio*, from the Feaſt of St. *Luke*, to that of *All Saints*.

THUS did this moſt prudent Prince, by his provident Care, put theſe our Provinces in a better Form of Government; and if they had not been depriv'd of of him by Death in the midſt of his Progreſs, he would have provided them with many other wholeſome Laws, and improv'd them to greater Advantage; but his untimely Death put a Stop to the Career of their Happineſs, and they fell afterwards into a moſt deplorable State; for they were torn to Pieces, diſturb'd and miſerably afflicted by many Invaders, (each contending for the Crown) till the Royal Race of the *Suevi* being extinct, they came under another Family; which ſhall be the Subject of the firſt Book of the next Volume.

FREDERICK, by ſundry Wives, and ſome Concubines, left many Children. According to *Cuſpinianus*, he had Six Wives. The firſt was *Conſtantia*, Daughter of *Alphonſus* II. King of *Aragon*, and *Sancia* Queen of *Caſtile*, by whom he had *Henry* King of *Germany*, who died in Priſon, and *Jordanus*, who died an Infant: The ſecond was *Jole*, Daughter of *John* of *Brenna*, King of *Jeruſalem*, who brought him as her Portion, the Rights to that Kingdom, which ſhe had by Right of her Mother *Mary*, by her he had *Conrade* King of the *Romans*: The third was *Agnes*, Daughter of *Otho* Duke of *Moravia*, whom he divorced, and ſhe was afterwards married to *Ulderick*, Duke of *Carinthia*: The fourth was *Rutina*, Daughter of *Otho* Count of *Wolffeuxhauſen* in *Bavaria*: The fifth was *Iſabella*, Daughter of *Lewis* Duke of *Bavaria*; none of theſe Three brought him any Children: The ſixth was likewiſe nam'd *Iſabella*, or *Elizabeth*, Daughter of *John* King of *England*, and Siſter to the Prince of *Wales*, afterwards King of *England*, nam'd *Henry* III. and it may be ſeen in the Annals of that Kingdom, re-printed in the Reign of Queen *Anne*, that *Frederick* ſent *Pietro delle Vigne* to *England* to treat about this Marriage; by this *Iſabella*, *Frederick* had *Henry*, whom it was believed, *Conrade* caus'd to be poiſon'd, which occaſion'd thoſe Broils between the King of *England*, *Henry*'s Uncle, and *Conrade*, of which we ſhall take Notice hereafter; *Iſabella* likewiſe bore ſome Daughters. *Cuſpinianus* was in the Wrong to write, that there was no Male Child of this Marriage; for the moſt approv'd Authors, amongſt which *Zurita*, with more Truth, ſay, That ſhe was the Mother of *Henry*, who got the Kingdom of *Jeruſalem*, and a Hundred thouſand Ounces of Gold from his Father, and was afterwards poiſon'd by the Means of *Conrade*, as ſhall be told in the following Book of this Hiſtory. The Eldeſt of the Daughters, nam'd *Agnes*, was married to *Conrade*, Landgrave of *Thuringia*, and *Conſtantia* the Youngeſt, to *Lewis*, Landgrave of *Heſſe*.

FREDERICK had likewiſe by *Beatrice* Princeſs of *Antioch* (whom, according to *Zurita*, he unlawfully took to Wife) *Frederick* Prince of *Antioch*, and Count of *Albi*, *Celano*, and *Loretto*, who, according to ſome Authors, by his Father was intitled King of *Tuſcany*. This *Frederick* had a Son, nam'd *Conrade* of *Antioch*, who married *Beatrice*, Daughter of Count *Galvano Lancia*, by whom he had *Frederick*, *Henry* and *Galvano* of *Antioch*; whoſe Offspring flouriſh'd for ſome Time in *Sicily*.

THE Emperor *Frederick* had alſo by a Siſter of *Goffredo Maletta*, Count of *Minio*, and *Trivento*, Lord of *Monte S. Angelo*, and High Chamberlain of the Kingdom, *Manfred* Prince of *Taranto*, afterwards King of *Naples* and *Sicily*, and *Conſtantia*, who, in her Father's Life-time, was married to *Carolus Joannes Battaſius* Emperor of *Conſtantinople*, a Schiſmatick, and Enemy to the Church of *Rome*, as may be ſeen in the Royal Archives; with which Pope *Innocent* IV. upbraided him when he depriv'd him of the Empire; and it may be gather'd from *Frederick*'s laſt Will, that he look'd upon *Manfred* as born in lawful Wedlock, ſeeing he is there nam'd to ſucceed to his Father's Dominions, in caſe *Conrade* and *Henry* ſhould die without Iſſue; and ſome Writers have maintain'd, that he was lawfully begotten, and not a Baſtard; which has led *Mathew Paris* into a Miſtake, when in his Hiſtory he ſays, That *Manfred* was born of *Bianca Lanza*, and that the Emperor married her while he was ſick, a little before he died. And by the ſaid *Bianca Lanza*, by ſome call'd Marchioneſs of *Monferrat*, and other Women, he had *Henry* King of *Sardinia*, commonly call'd *Eutius*, who died Priſoner in *Bologna*, and ſome Daughters, one of which was nam'd *Selvaggia*, and was married to *Ezzelino Tiranno di Padova*; another to *Tommaſo d'Aquino* Count of *Cerra*; and a Third to the Count of *Caſerta*.

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[1] Ric. S. Germ.

FREDERICK, before he died, made his laſt Will, by which he left his Son *Conrade* King of the *Romans*, Heir of the Empire, and of all his other Dominions, and particularly of the Kingdoms of *Puglia* and *Sicily*; and upon his Death without Iſſue, *Henry* his other Son was to ſucceed, and if he ſhould die without Children, *Manfred* Prince of *Taranto*, alſo his Son, was to ſucceed; and as long as *Conrade* ſhould remain in *Germany*, or any other Place, he appointed *Manfred* with full Authority to be his Lieutenant in *Italy*, and eſpecially in *Puglia* and *Sicily*. To *Manfred* he left the Principality of *Taranto*, with the Counties of *Monteſcaglioſo*, *Tricarico*, and *Gravina*, with the County of *Monte S. Angelo*, and the ſame Title and Honour which he had given him in his Life-time, with all the Cities, Towns, and Caſtles belonging to the ſaid County, but reſerv'd the Sovereignty to *Conrade*, &c.

BUT ſeeing the Will itſelf deſerves to be read, we have here ſubjoin'd it, and it is the very ſame which heretofore was to be ſeen in the Royal Archives, according to *Matteo d'Afflitto*, and is mention'd by *Bzovius* in his Eccleſiaſtick Annals, and by ſeveral Writers of this Kingdom: *Capecelatro* copied it from a very antient Chronicle of the Deeds of *Frederick*, and of ſome Kings his Succeſſors; and it is the very ſame that is mention'd by *Coſtanzo*, *Summonte*, *Tutini*[1], and other Authors.

Teſtamentum *FRIDERICI* II.

IN nomine Dei æterni, & Salvatoris noſtri Jeſu Chriſti. Anno ab Incarnatione ejus milleſimo ducenteſimo quinquageſimo primo, & primo Anno Domini noſtri Corradi Glorioſiſſimi Romanorum, Hieruſalem, Siciliæ, & Italiæ Regis, menſe Januarii, 9. *Indictione. Dum in Archiepiſcopali Salernitano Palatio, in præſentia Domini Cæſaris, Dei Gratia venerabilis Salernitani Archiepiſcopi eſſemus nos Philippus, Matthæus, Romoaldus, & Philippus Judices, præſentibus Matthæo de Vallone Straticoto Salerni Philippo Græco, & Gulielmo Curiali Notariis ad hoc ſpecialiter rogatis: Illuſtris vir Dominus Bertoldus Marchio de Hohenburch Dei, & Domini noſtri Regis Corradi gratia, Dominus Montis fortis, & Argentii, Caſtri S. Severini, & honoris ejus, oſtendit, & præſentavit prædicto Domino Archiepiſcopo Teſtamentum, ſive ultimam voluntatem quondam Domini noſtri ſereniſſimi Imperatoris Friderici* II. *cerea, & pendente Bulla ejuſdem Domini Imperatoris inſignitum, quod vidimus, & legimus, & omni vitio, & ſuſpitione carebat, & erat continentiæ talis.*

IN nomine Dei æterni, & Salvatoris noſtri Jeſu Chriſti. Anno ab Incarnatione ejus Milleſimo ducenteſimo quinquageſimo, die Sabati, Decimo ſeptimo Decembris, nonæ Indictionis. Primi Parentis incauta trangreſſio ſic poſteris legem Conditionis indixit, ut eam ne diluvii proclivis ad pœnam effugio effrenis adducere, nec Baptiſmatis tàm celebris, tàm ſalubris unda liniret, quin fatalitatis cu...... mortalibus ſeneſcentis ævi..... laſcivia tranſgreſſionis in pœnam culpæ transfuga tanquam cicatrix ex vulnere remaneret. Nos igitur Fridericus II. *Divina favente clementia Romanorum Imperator ſemper Auguſtus, Hieruſalem, & Siciliæ Rex, memor conditionis Humanæ, quam ſemper comitatur humana fragilitas, dum vitæ nobis inſtaret terminus, loquelæ, & memoriæ in nobis integritate vigentibus, egri corpore, ſani mente ſic animæ noſtræ conſulendum providimus,*

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[1] Tutini de Conteſtabili del. Reg. fol. 44.

providimus, ſic de Imperio, & Regnis noſtris duximus diſponendum, ut rebus humanis aſſumpti videamur, & filiis noſtris, quibus nos Divina clementia fæcundavit, quos præſenti diſpoſitione ſub pœna benedictionis noſtræ volumus eſſe contentos, ambitione ſublata, omnis materia ſcandali ſopiatur. Statuimus itaque Conradum Romanorum in Regem electum, & Regni Hieroſolymitani hæredem dilectum filium noſtrum, nobis hæredem in Imperio, & in omnibus aliis .... & quoquo modo acquiſitis, & ſpecialiter in Regno noſtro Siciliæ; quem ſi decedere contingerit ſine liberis, ſuccedat ei Henricus filius noſter, quo defuncto ſine liberis ſuccedat ei Manfredus filius noſter: Conrado vero morante in Alemannia, vel alibi extra Regnum: Statuimus prædictum Manfredum Balium dicti Conradi in Italia, & ſpecialiter in Regno Siciliæ, dantes ei plenariam poteſtatem omnia faciendi, quæ Perſona noſtra facere poſſet, ſi viveremus, videlicet, in concedendis terris, caſtris, & villis, parentelis, & dignitatibus, beneficiis, & omnibus aliis juxta diſpoſitionem ſuam, præter antiqua demania Regni Siciliæ, & quod Conradus, & Henricus prædicti filii noſtri, & eorum hæredes omnia, quæ ipſe fecerit firma, & rata teneant, & obſervent. Item concedimus, & confirmamus dicto Manfredo filio principatum Tarenti, videlicet, a Portu Roſiti, uſque ad ortum fluminis Brandani, cum Comitatibus Montis Caveoſi, Tricarici, & Gravinæ, prout Comitatus ipſe protenditur, a maritima Terræ Bari uſque Palinurum, cum Terris omnibus a Palinuro per totam Maritimam uſque ad dictum Portum Roſiti, cum Comitatibus Caſtris, & villis infra contentis cum omnibus Juſtitiis, pertinentiis, & rationibus omnibus tàm ipſius Principatus, quàm Comitatuum prædictorum. Concedimus etiam eidem Comitatum Montis S. Angeli, cum titulo, & honore ſuo, & omnibus Civitatibus, Caſtris, Villis, Terris, Pertinentiis, Juſtitiis, & Rationibus eidem Comitatui pertinentibus, videlicet, uſque de Demanio in Demanium, & quæ de Servitio in Servitium. Concedimus, & confirmamus eidem quidquid ſibi in Imperio etiam a noſtra Majeſtate conceſſum, ita tamen quod prædicta omnia a præfato Conrado teneat, & recognoſcat. Item ſtatuimus, quod Fridericus nepos noſter habeat Ducatus Auſtriæ, & Stiriæ, quos a præfato Conrado teneat & recognoſcat, cui Friderico judicamus dari pro expenſis ſuis decem millia unciarum auri. Item ſtatuimus, ut Henricus filius noſter habeat Regnum Alcarenſe, vel Regnum Hieroſolymitanum, quorum alterum dictus Conradus præfatum Henricum habere voluerit, cui Henrico judicamus dari centum millia unciarum auri pro expenſis. Item ſtatuimus, ut centum millia unciarum auri expendantur, pro ſolute animæ noſtræ in ſubſidium Terræ Sanctæ ſecundum ordinationem dicti Conradi, & aliorum nobilium Cruceſignatorum. Item ſtatuimus, quod omnia bona Militiæ Domus Templi, quæ Curia noſtra tenet reſtituantur eidem, ea videlicet, quæ de jure debent habere. Item ſtatuimus, ut Eccleſiæ, & Domibus Religioſis reſtituantur jura earum, & gaudeant ſolitata libertate. Item ſtatuimus, quod homines Regni noſtri ſint liberi, & exempti ab omnibus generalibus collectis, ſicut conſueverunt eſſe tempore Regis Gulielmi II. *Conſobrini noſtri. Item ſtatuimus, quod Comites, Barones, & Milites, & alii Feudatarii Regni gaudeant juribus, & rationibus, quæ conſueverunt habere tempore prædicti Regis Gulielmi in collectis, & aliis. Item ſtatuimus, ut Eccleſiæ Luceriæ, Soræ, & ſi quæ aliæ Eccleſiæ læſæ ſunt per Officiales noſtros reficiantur, & reſtituantur. Item ſtatuimus, ut tota Maſſaria noſtra, quam habemus apud S. Nicolaum de Aufido, & omnes proventus ipſius deputentur ad reparationem, & conſervationem Pontis ibi conſtructi, vel conſtruendi. Item ſtatuimus, ut omnes Captivi in carcere noſtro detempti liberentur, præter illos de Imperio, & præter illos de Regno, qui capti ſunt ex proditionis nota. Item ſtatuimus, quod præfatus Manfredus filius noſter omnibus bene meritis de Familia noſtra provideat vice noſtra in Terris, Caſtris & Villis, ſalvo Demanio Regni noſtri Siciliæ, & quod Conradus, & Henricus prædicti filii noſtri, & hæredes eorum ratum, & firmum habeant quicquid idem Manfredus ſuper hoc duxerit faciendum. Item volumus, & mandamus, quod nullus de Proditoribus Regni aliquo tempore reverti debeat in Regnum, nec alicui de eorum genere Succurrere poſſint, imo hæredes noſtri teneantur de eis vindictam ſumere. Item ſtatuimus, quod mercatoribus creditoribus noſtris debita ſolvantur. Item ſtatuimus, ut Sanctæ Romanæ Eccleſiæ Matri Noſtræ, & aliorum noſtrorum fidelium jura reſtituantur, ſi ipſe Eccleſia reſtituat jura Imperii. Item ſtatuimus, ut ſi de præſenti infirmitate noſtra mori contingerit, in majori Eccleſia Panormitana, in qua Divi Imperatoris Henrici, & Divæ Imperatricis Conſtantiæ parentum noſtrorum memoriæ recolendæ tumulata ſunt corpora, corpus noſtrum debeat ſepeliri; cui Eccleſiæ dimittimus uncias auri quingentas pro ſalute animarum dictorum parentum noſtrorum, & noſtræ, per manus Berardi venerabilis Panormitani Archiepiſcopi, familiaris, & fidelis noſtri, in reparatione ipſius Eccleſiæ erogandas. Prædicta autem omnia, quæ acta ſunt in præſentia prædicti Archiepiſcopi,* *Bertoldi Marchionis de Hohenburch dilecti conſanguinei, & familiaris noſtri, Riccardi Comitis Caſertani dilecti generi noſtri, Petri Ruffi de Calabria Mareſcallæ noſtræ Magiſtri, Riccardi de Monte Nigro magnæ Curiæ noſtræ Magiſtri Juſtitiarii, Magiſtri Joannis de Idronto Notarii noſtri, Fulconis Ruffi, Magiſtri Joannis de Procida, Magiſtri Roberti de Panormo Imperii, & Regni Siciliæ, & magnæ Curiæ noſtræ Notarii, meorum fidelium, quos præſenti diſpoſitione noſtræ mandavimus intereſſe, per prædictum Conradum filium, & hæredem noſtrum, & alios ſucceſſivè ſub pœna benedictionis noſtræ tenaciter diſponimus obſervari, alioquin hæreditate noſtra non gaudeant. Ita autem univerſis fidelibus noſtris præſentibus, & futuris ſub Sacramento fidelitatis, qua nobis, & hæredibus noſtris tenentur, injungimus, ut prædicta omnia illibata teneant, & obſervent. Præſens autem Teſtamentum noſtrum, & ultimam voluntatem noſtram, quam robur firmitatis volumus obtiuere, per prædictum Magnificum Nicolaum de Brunduſio Scribi, & Signo Sanctæ Crucis propriæ manus noſtræ Sigillo noſtro, & prædictorum Subſcriptionibus juſſimus communiri. Actum apud Florentinum in Capitanata, Anno, Menſe, Die, & Indictione prædicta. Anno Imperii noſtri* XXXII. *Regni Hieruſalem* XXVIII. *& Regni Siciliæ* LI. *Signum Sanctæ Crucis propriæ manus prædicti Domini Imperatoris Frederici. Qui ſupra Berardus Panormitanus Archiepiſcopus Domini Imperatoris familiaris. Ego Bertoldus Marchio de Hohenburch iis interfui, & Subſcripſi. Ego Riccardus Comes Caſertæ iis interfui, & me ſubſcribi feci. Ego Petrus Ruffus de Calabria Imperialis Mareſciallus Magiſter interfui his, & ſubſcribi feci. Ego Riccardus de Monte Nigro Magnæ Imperialis Curiæ Magiſter Juſtitiarius. Ego Magiſter Robertus de Panormo, qui ſupra Judex. Ego Joannes de Idrunto, qui ſupra interfui. Ego Fulcus Ruffus de Calabria his interfui, & ſubſcripſi. Ego Joannes de Procida Domini Imperatoris Medicus teſtis ſum. Ego qui ſupra Notarius Nicolaus de Brunduſio, quia omnibus prædictis interfui, præſens Teſtamentum propria manu ſubſcripſi, & meo ſigno ſignavi.*

CUM autem Teſtamentum prædictum a nobis lectum fuiſſet, idem Dominus Archiepiſcopus tunc nos rogavit, ut quia quædam in dicto Teſtamento contineantur, quæ ad utilitatem Salernitanæ Eccleſiæ Matris noſtræ pertinere noſcuntur, ipſum inſinuare, ſeu publicare deberemus, ut ex inſinuatione, ſeu publicatione ipſius poſſit inde fidelis aſſumi. Nos autem preces juri conſentaneas admictentes ipſum Teſtamentum totum per ordinem de verbo ad verbum nihil in eo addito, vel ſubtracto in hanc Scripturam publicam per manum Thomaſii publici Salerni Notarii tranſumi fecimus, & tranſcribi, quod ſcripſi ego prædictus Thomaſius publicus Salerni Notarius, qui rogatus interfui, vidi, & legi, & illud in hanc Scripturam redigens publicam, meo ſigno ſignavi, quod autem ſuperius nititur virgulas ſcriptum, & legitur noſtra, & quod diſturbatum eſt, legitur, recognoſcat ..... Adeſt ſignum ✠. Ego qui ſupra Philippus Judex ✠. Ego qui ſupra Matthæus Judex ✠. Ego qui ſupra Romoaldus Judex ✠. Ego qui ſupra Philippus Judex.

FINIS.

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